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# CHARTER

OF THE

CITY OF BROOKLYN.

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Passed April 17, 1854—to take effect January 1, 1855.

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WILLIAMSBURGH :

L. DARBEE & SON, BOOK AND JOB PRINTERS,  
146 Fourth Street, corner of South First.

1854.

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1854.



# AN ACT

TO CONSOLIDATE THE CITIES OF BROOKLYN AND WILLIAMSBURGH  
AND THE TOWN OF BUSHWICK INTO ONE MUNICIPAL GOV-  
ERNMENT, AND TO INCORPORATE THE SAME.

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Passed April 17, 1854, three-fifths being present.

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*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

## TITLE I.

### BOUNDARIES OF WARDS.

SECTION 1. All that part of the county of Kings at present known Boundaries. as the cities of Brooklyn and Williamsburgh and the town of Bushwick, and which is bounded easterly by the town of Newtown, Queens county, south by the towns of New Lots, Flatbush and New Utrecht, and west by the town of New Utrecht and the bay of New York, and north by the East river, shall be united into one municipal corporation. to be known and called the City of Brooklyn.

§ 2. The First ward of the said city shall comprise the following First ward. district, viz : Beginning at a point on Atlantic street where the center lines of Atlantic and Hicks streets intersect each other, and running thence westerly along the center of Atlantic street and a line in continuation thereof to the East river ; thence northeasterly along the East river to a point opposite the center of Fulton street, or a line in continuation thereof ; thence southeasterly along the center of Fulton street to the center of Hicks street ; and thence southerly along the center of Hicks street to the place of beginning.

§ 3. The Second ward of said city shall comprise the following dis- Second ward. trict, viz : Beginning at a point on the East river at the center line of Fulton street continued, and running thence southeasterly along the center of Fulton street to a point opposite the center of Sands street ; thence easterly along the center of Sands street to the center of Bridge street ; thence northerly along the center of Bridge street and a line in continuation thereof to the East river ; and thence westerly along the East river to the place of beginning.

§ 4. The Third ward of said city shall comprise the following dis- Third ward. trict, viz : Beginning at a point on Fulton street where the center lines of Fulton street and Hicks street intersect each other, and running thence southeasterly along the center of Fulton street and Fulton avenue to the center of Boerum street ; thence southerly along the center of Boerum street to the center of Atlantic street ; thence westerly along the center of Atlantic street to the center of Hicks street ; and thence northerly along the center of Hicks street to the place of beginning.

Fourth ward. § 5. The Fourth ward of the said city shall comprise the following district, viz: Beginning at a point where the center lines of Sands street and Fulton street intersect each other, and running thence easterly along the center of Sands street to the center of Bridge street; thence southerly along the center of Bridge street to the center of Fulton avenue; and thence northwesterly along the center of Fulton avenue and Fulton street to the place of beginning.

Fifth ward. § 6. The Fifth ward of said city shall comprise the following district, viz: Beginning at a point where the center lines of Bridge street and Johnson street intersect each other, and running thence easterly along the center of Johnson street to the center of Navy street; thence northerly along the center of Navy street to the northerly side of Nassau street; thence easterly along Nassau street to the southwesterly corner of the United States navy yard; thence northerly, northwesterly and northeasterly along the United States navy yard to the East river; thence westerly along the East river to a point on the continuation of the center line of Bridge street; thence southerly along the center of Bridge street to the place of beginning,

Sixth ward. § 7. The Sixth ward of said city shall comprise the following district, viz: Beginning on the East river, at the center of Atlantic street; thence easterly along the center of Atlantic street to the center of Court street; thence along the center of Court street to the center of Fourth place; thence westerly along the center of Fourth place to the center of Henry street; thence southeasterly along the center of Henry street to the center of Coles street; thence westerly along the center of Coles street to the center of Hamilton avenue; thence along the center of Hamilton avenue to the East river; thence along the East river to the place of beginning.

Seventh ward. § 8. The Seventh ward of said city shall comprise the following district, viz: Beginning at a point formed by the intersection of the center lines of Washington avenue and Atlantic avenue, and running thence easterly along the center of Atlantic avenue to the center of Bedford avenue; and thence northerly along the center of Bedford avenue to the center of De Kalb avenue; thence easterly along the center of De Kalb avenue to the center of Nostrand avenue; thence northerly along the center of Nostrand avenue to the center of Flushing avenue; thence easterly along the center of Flushing avenue to the center of Division avenue; thence northwesterly along the center of Division avenue to the intersection of South-Sixth street, in the city of Williamsburgh; thence westerly along the line of the city of Williamsburgh to the Wallabout bay; thence southerly along the Wallabout bay to the center of Washington avenue; and thence southerly along the center of Washington avenue to the place of beginning.

Eighth ward. § 9. The Eighth ward of said city shall comprise the following district, viz: Beginning at a point where the center lines of Flatbush avenue and Fifth avenue intersect, and running thence southeasterly along the center of Flatbush avenue to the line of the town of Flatbush; thence southwesterly along said Flatbush line to the line of the town of New Utrecht; thence southwesterly along said

line, crossing a highway called Martense's lane; thence southwesterly along said line to the southerly boundary of said city of Brooklyn; thence northwesterly along the line of New Utrecht to the bay of New York; thence northeasterly along the said bay and along Gowanus bay to the center line of First avenue; thence northeasterly along the center of First avenue to the center of Fifth street; thence southeasterly along the center of Fifth street to the center of Second avenue; thence northeasterly along the center of Second avenue to First street; thence southeasterly along the center of First street to Fifth avenue; thence northerly along the center of Fifth avenue to the place of beginning.

§ 10. The Ninth ward of said city shall comprise the following district, viz: Beginning at a point where the center lines of Atlantic street and Flatbush avenue intersect each other, and running thence southeasterly along the center of Flatbush avenue to the line of the town of Flatbush; thence easterly along said line and along the line of the town of New Lots to the center of Division avenue; thence northwesterly along the center of Division avenue to the center of Flushing avenue; thence westerly along the center of Flushing avenue to the center of Nostrand avenue; thence southerly along the center of Nostrand avenue to the center of De Kalb avenue; thence westerly along the center of De Kalb avenue to the center of Bedford avenue; thence southerly along the center of Bedford avenue to the center of Atlantic avenue; thence westerly and northwesterly along the center of Atlantic street and Atlantic avenue to the place of beginning. Ninth ward.

§ 11. The Tenth ward of said city shall comprise the following district, viz.: Beginning at a point formed by the intersection of the center of Boerum and Fulton streets; thence easterly along the center of Fulton street and Fulton avenue to the intersection of Fulton avenue and Flatbush avenue; thence southerly along the center of Flatbush avenue to the center of Fifth avenue; thence southerly along the center of Fifth avenue to the center of First street; thence northwesterly along the center of First street to the center of Second avenue; thence southwesterly along the center of Second avenue to the center of Fifth street; thence westerly along the center of Fifth street to the center of Smith street; thence southerly along the center of Smith street to the center of Fourth place; thence westerly along the center of Fourth place to the center of Court street; thence along the center of Court street to the center of Atlantic street; thence along the center of Atlantic street to the center of Boerum street; thence northeasterly along the center of Boerum street to the place of beginning. Tenth ward.

§ 12. The Eleventh ward of said city shall comprise the following district, viz: Beginning at a point where the center lines of Fulton avenue and Bridge street intersect each other; thence running northerly along the center of Bridge street to the center of Johnson street; thence easterly along the center of Johnson street to the center of Navy street; thence northerly along the center of Navy street to the center of Nassau street; thence easterly along Nassau street to Eleventh ward.

the southeasterly corner of the United States navy yard ; thence northerly along the same to the East river ; thence easterly along the East river and the Wallabout bay to the center of Washington avenue, or a line in continuation thereof ; thence southerly along the center of Washington avenue to the center of Atlantic avenue ; thence westerly and northwesterly along the center of Atlantic avenue and Atlantic street to a point where the central lines of Atlantic street and Flatbush avenue intersect each other ; thence northwesterly along the center of Flatbush avenue to the center of Fulton avenue, and from thence westerly along the center of Fulton avenue to the place of beginning.

Twelfth  
ward.

§ 13. The Twelfth ward of said city shall comprise the following district, viz : Beginning in the East river on the center line of Hamilton avenue ; thence southerly along the center of Hamilton avenue to the center of Coles street ; thence southeasterly along the center of Coles street to the center of Henry street ; thence northerly along the center of Henry street to the center of Fourth place ; thence southeasterly along the center of Fourth place to the center of Smith street ; thence northerly along the center of Smith street to the center of Fifth street ; thence southeasterly along the center of Fifth street to the center of First avenue ; thence southwesterly along the center of First avenue to Gowanus bay ; thence along the Gowanus bay and East river to the place of beginning.

Thirteenth  
ward.

§ 14. The Thirteenth ward of said city shall comprise the following district, viz : Beginning at the permanent water line on the easterly side of the East river, where the same would be intersected by the dividing line between the cities of Brooklyn and Williamsburgh ; thence running in an easterly direction along the said dividing line to the center of Ninth street and its intersection with said line ; thence in a northeasterly direction along the center of Ninth street to the center of the intersection of Ninth and Grand streets ; thence in a northwesterly direction along the center of Grand street to the permanent line of the East river ; thence southwesterly along the permanent line of the East river to the dividing line between the cities of Brooklyn and Williamsburgh, the place of beginning.

Fourteenth  
ward.

§ 15. The Fourteenth ward of said city shall comprise the following district, viz : Beginning at the easterly permanent line of the East river, where the same would be intersected by a line drawn through the center of Grand street ; thence running in a southeasterly direction along the center of Grand street to the center of the intersection of Grand and Ninth streets ; thence in a northeasterly direction along the center of Ninth street to the center of the intersection of North-Second and Ninth streets ; thence in an easterly direction along the center of North-Second street to the center of the intersection of North-Second street and Union avenue ; thence in a northerly direction along the center of Union avenue to the center of the intersection of Union avenue by Fifth street ; thence in a northeasterly direction along the center of Fifth street to the center of the intersection of North-Fourteenth street by Fifth street ; thence in a northwesterly direction along the center of North-Fourteenth street to the center of

the intersection of North-Fourteenth and First streets; thence in a southwesterly direction along the center of First street to the center of the intersection of First and North-Thirteenth streets; thence in a northwesterly direction along the center of North-Thirteenth street to the easterly permanent line of the East river; thence in a southwesterly direction along the easterly permanent line of the East river to the center of Grand street, the place of beginning.

§ 16 The Fifteenth ward of said city shall comprise the following <sup>Fifteenth ward.</sup> district, viz: Beginning at the center of the intersection of South-Second and Ninth streets; thence running in a southeasterly direction along the center of South-Second street to the center of the intersection of South Second street by Union avenue; thence in a northerly direction along the center of Union avenue to the center of the intersection of Wyckoff street by Union avenue; thence in an easterly direction along the center of Wyckoff street to the center of the intersection of Wyckoff street and Bushwick avenue; thence in a northwesterly direction along the center of Bushwick avenue to the center of the intersection of Bushwick avenue and North-Second street; thence in a westerly direction along the center of North-Second street to the center of the intersection of North-Second street and Smith street; thence in a northerly direction along the center of Smith street to the center of the intersection of Smith street and Richardson street; thence in a westerly direction along the center of Richardson street to the center of the intersection of Richardson and Leonard streets; thence in a northerly direction along the center of Leonard street to the center of the intersection of Leonard and Van Pelt streets; thence in a westerly direction along the center of Van Pelt street to the center of the intersection of Van Pelt street by Fifth street; thence in a southwesterly direction along the center of Fifth street to the center of the intersection of Union avenue by Fifth street; thence in a southerly direction along the center of Union avenue to the center of the intersection of Union avenue and North-Second street; thence in a westerly direction along the center of North-Second street to the center of the intersection of Ninth street by North-Second street; thence in a southwesterly direction along the center of Ninth street to the intersection of Ninth and South-Second streets, the place of beginning.

§ 17. The Sixteenth ward of said city shall comprise the following <sup>Sixteenth ward.</sup> district, viz: Beginning at the intersection of Ninth street and the dividing line between the cities of Brooklyn and Williamsburgh; thence running in a southeasterly direction along the said dividing line to the intersection with the center of the Brooklyn and Newtown turnpike; thence in an easterly direction along the center of said turnpike to the center of its intersection with Bushwick avenue; thence in a northerly, northwesterly and northeasterly direction along the center of Bushwick avenue to the center of the intersection of Wyckoff street and Bushwick avenue; thence westerly along the center of Wyckoff street to the center of the intersection of Wyckoff street by Union avenue; thence in a southerly direction along the center of Union avenue to the center of the intersection of South-Second street by Union avenue; thence in a northwesterly direc-

tion along the center of South-Second street to the center of the intersection of South-Second and Ninth streets; thence in a southerly direction to the center of the intersection of Ninth street and the dividing line between the cities of Brooklyn and Williamsburgh, the place of beginning.

Seventeenth  
ward.

§ 18. The Seventeenth ward of said city shall comprise the following district, viz: Beginning at the easterly permanent line of the East river, where the same would be intersected by a line drawn through the center of North-Thirteenth street; thence running in a southeasterly direction along the center of North-Thirteenth street to the center of the intersection of North-Thirteenth and First streets; thence northeasterly along the center of First street to the center of the intersection of North-Fourteenth and First streets; thence in a northeasterly direction, along the center of North-Fourteenth street to the center of the intersection of North-Fourteenth street by Fifth street; thence along the center of Fifth street, in a northeasterly direction, to the center of the intersection of Van Pelt street by Fifth street; thence in an easterly direction along the center of Van Pelt street to the center of the intersection of Van Pelt and Leonard streets; thence in a southerly direction, along the center of Leonard street to the center of the intersection of Leonard and Richardson streets; thence in an easterly direction along the center of Richardson street to the center of the intersection of the Newtown turnpike (or North road) by Richardson street; thence in a northeasterly direction along the center of the Newtown turnpike, in all its turnings, to the center of the Newtown creek; thence in a northwesterly direction along the center of Newtown creek, in all its meanderings, to the permanent line of the East river to a point where the permanent line of the East river would intercept the center of Newtown creek, if continued; thence along the easterly permanent line of the East river in a southerly direction to the center of North-Thirteenth street, to the place of beginning.

Eighteenth  
ward.

§ 19. The Eighteenth ward of said city shall comprise the following district, viz: Beginning at the center of the intersection of Richardson street and Newtown turnpike; thence running in a northeasterly direction along the center of Newtown turnpike to the center of Newtown creek; thence in a southeasterly direction along the center of Newtown creek to the intersection of the center of the Williamsburgh and Jamaica turnpike; thence in a southeasterly direction to a certain rock called "Arbitration rock;" thence south twenty-seven degrees east one hundred and fifty-five chains to a heap of stones; thence in the same direct line, until it is intersected by the westerly line of the town of New Lots; thence in a southerly direction along said last mentioned line to the northerly line of the present city of Brooklyn; thence northwesterly along said last mentioned line, and along the center of Division avenue, to the center of the intersection of Division and Flushing avenues; thence easterly along the center of Flushing avenue to the center of the intersection of Flushing and Bushwick avenues; thence in a northerly, northwesterly and northeasterly, and again northwesterly direction, along the center of Bushwick avenue,

to the center of the intersection of Bushwick avenue and North-Second street; thence westerly along the center of North-Second street to the center of the intersection of North-Second and Smith streets; thence northerly along the center of Smith street to the center of the intersection of Smith street and Richardson street; thence along the center of Richardson street to the place of beginning.

§ 20. The said several wards of the said city, except as otherwise <sup>Wards to be</sup> provided in this act, shall be considered, and are hereby declared to <sup>towns.</sup> be, towns of the county of Kings.

## TITLE II.

### OF THE COMMON COUNCIL.

SECTION 1. The legislative power of said corporation shall be vested <sup>Common</sup> in a mayor and a board of aldermen, who together shall form the <sup>council.</sup> common council.

§ 2. The board of aldermen shall consist of two aldermen to be <sup>Board of</sup> elected from each ward. <sup>aldermen.</sup>

§ 3. Every alderman shall, at the time of his election, be an <sup>Qualifica-</sup> elector of the ward in which he shall be chosen, and shall have been <sup>tion.</sup> a resident of the city for at least three years immediately previous thereto.

§ 4. The board of aldermen first elected under and by virtue of <sup>Classified.</sup> this act shall, at its first meeting, be divided into two classes, one of which shall go out in each year. One alderman of each ward shall form one class, and the other aldermen shall form the other class. The mayor shall then in open board make such classification by lot, certify the same in writing, and file it with the clerk of the board, who shall enter the same on the journal.

§ 5. The first of said classes of the board of aldermen shall hold <sup>Term of</sup> office for one year; but after the expiration of the said year, the <sup>office.</sup> term of office of the aldermen elected for the said class shall be two years. The second class shall hold office for two years. The alder- <sup>Powers.</sup> men in each ward shall have the power to cause the streets in their wards to be cleaned, and to make contracts for the same, and to cause the wells and pumps to be repaired; and in case of their disagreement, the mayor shall decide between them in relation thereto, and the expense thereof shall be a charge upon such ward only. In the performance of this duty they may require the services of the commissioner of repairs and supplies.

§ 6. The members of the common council shall, unless removed <sup>Common</sup> for cause, hold office until their places are supplied by the election of <sup>council,</sup> new members, who shall have qualified in the manner provided by <sup>terms of</sup> this act. In case any alderman shall, after his election or during his <sup>office.</sup> term of office, remove out of the ward in which he shall have been elected, his office shall be deemed vacant, and he shall no longer act as an alderman. They may also resign their respective offices at any time, by filing written notices thereof with the city clerk, and publishing a copy of such notice in the corporation newspapers; and <sup>Vacancy,</sup> the common council shall have power to direct a special election <sup>how filled.</sup>

to supply any vacancy that may occur, but the person so elected shall hold office only for the residue of the term so vacated.

Clerk.

§ 7. The common council shall appoint a clerk, who shall perform such duties as may be prescribed for him. The clerk so appointed shall also be the city clerk, and hold his office one year, unless removed for cause; and by consent of the common council he may appoint an assistant clerk, for whose acts he shall be responsible.

Quorum.

§ 8. A majority of aldermen elected shall constitute a quorum, but a smaller number may adjourn from time to time, and compel the attendance of absent members.

President of  
common  
council.

§ 9. The common council shall annually elect a president from its own body, and in his absence a president for the time being, choose officers, appoint its times and places of meeting, determine the rules of its own proceedings, be the sole judge of the qualifications of its members, keep a journal of its proceedings, and may punish or expel a member for disorderly conduct or a violation of its rules, or declare his seat vacated by reasons of absence, provided such absence be continued for the space of two months. But no expulsion shall take place except by the vote of two-thirds of all the members elected, nor until the delinquent member shall have an opportunity to be heard in his defence.

Ordinances,  
how passed.

§ 10. Every ordinance or resolution of the common council shall, before it takes effect, be presented, duly certified, to the mayor, and the approval of the minutes by the common council shall be conclusive evidence that the said ordinance or resolution has been so presented to the mayor. If he approve of it, he shall sign it; if not, he shall return it with his objections, and file it with the clerk within ten days after he received it; the said board shall, at its first regular meeting thereafter, enter the objections at length on its journal, and cause said objections to be published in the corporation newspapers, after which publication it shall proceed to consider the same, and if two-thirds of all the members elected shall then agree to pass the same, it shall take effect as a law; but in every such case the votes shall be taken by ayes and noes, and entered on the journal. And if such ordinance or resolution shall not be returned by the mayor, within ten days after he has received it, it shall become a law in like manner as if he had signed it. But no such ordinance or resolution shall take effect, in any sense, until the day following the next regular meeting of the board, except by unanimous consent of the board; in which case it shall take effect upon its being approved by the mayor.

Publication  
of receipts  
and expendi-  
tures.

§ 11. The common council shall at least once a year, not more than thirty nor less than twenty days before the annual election, publish in such of the newspapers printed in the city as they shall designate, a full statement of all the receipts and expenditures of every description for the fiscal year ending on the 31st day of August preceding such statement, including all the moneys which have passed through the hands of the comptroller or treasurer for any purpose whatever, together with the different sources of city revenue, the amount received under each, the several appropriations made by the common council, the objects for which the same were made, and the

sums expended for each ; also any moneys borrowed upon the credit of the city, whether by temporary loans or by the issue of bonds, the terms upon which they were obtained, the authority under which they were borrowed, and the purposes to which they were applied, and how much of the same or other city indebtedness has been paid, and by what means. The statement shall also include a detailed account of the city property, existing debts of every description, and the condition of the sinking fund, with all such other information as may be necessary for a full understanding of the financial concerns of the city, showing also the relative indebtedness and property of the portions of said city formerly included in the cities of Brooklyn, Williamsburgh and the town of Bushwick.

§ 12. The common council shall hold stated meetings, commencing on the first Monday of January ; but the mayor, or in his absence any three aldermen, may call special meetings, by notice to each of the members of said council, served personally or left at his usual place of abode. Stated meetings.

§ 13. The common council shall have power within said city to make, establish, publish and modify, amend or repeal ordinances, rules, regulations and by-laws for the following purposes : Special powers.

1. To manage and regulate the finances and property, real and personal, of the city. Finances.

2. To regulate the wharves, piers and slips owned by the city, and direct the affairs thereof. Wharves.

3. To establish and regulate a day and night police and fire departments of the city, within the limits prescribed by law, and to define and regulate the duties and powers of firemen and police. Police.

4. To license and regulate cartmen, porters, hack, cab, omnibus, stage and truck owners and drivers ; and all railroad cars running on any railroad established since January first, eighteen hundred and fifty-three ; carriages and vehicles used for the transportation of passengers and merchandise, goods or articles of any kind (or to authorize the mayor to grant such licenses, and to require the owners to mark the same in such manner as the common council shall designate ;) weights and measures, surveyors, common cryers, hawkers, pedlers, pawnbrokers, junk shop keepers, sweeps and scavengers, and to fix the rates of compensation to be allowed to them, and to prohibit unlicensed persons from acting in either of such capacities. Licenses.

5. To prescribe the places of selling hay, straw, and other articles from wagons or other vehicles. Hay.

6. To locate, regulate and remove slaughter houses, establish and regulate public markets, license and regulate butchers, designate the places, times and manner of selling meats, fish, fruits and vegetables, and to prohibit persons from selling without license. Markets.

7. To restrain and regulate the running at large of cattle, horses, sheep, swine, geese or other animals, and to authorize and regulate the impounding and sale of the same for the penalty incurred and cost of proceedings, and to pass ordinances authorizing the destruction of dogs. Cattle and swine.

- Cows.** 8. To regulate or prohibit the keeping of cows, swine and other animals.
- Nuisances.** 9. To prohibit and abate all nuisances.
- Kites.** 10. To regulate and prohibit the flying of kites or any other practice having a tendency to frighten animals or to annoy persons passing in the streets or on the side-walks in said city.
- Bathing.** 11. To regulate or prohibit swimming or bathing in the waters of or bounding the city.
- Racing.** 12. To prevent horse-racing and immoderate driving in said city, and to authorize the stopping of any one who shall be guilty of so doing.
- Burials.** 13. To regulate the burial of the dead, prohibit interments within such limits as it may prescribe, purchase land for public burial places, direct the keeping and returning bills of mortality, and to establish such regulations for conveying the dead through the streets of said city as the health, quiet and good order of the city may, in their opinion, require, or to prohibit the same entirely, if necessary.
- Gunpowder,** 14. To prohibit or regulate the keeping and conveying of gunpowder and other dangerous material, to provide for the forfeiture of the same, and the use of candles and lights in barns, stables and other buildings.
- Disorderly houses, and gaming.** 15. To suppress and restrain disorderly houses and houses of ill-fame, gaming tables, ball alleys, the playing of cards or games of chance in places where liquor is sold to be drank, to destroy all instruments or devices employed in gaming, and to restrain and punish vagrants, mendicants, street beggars and common prostitutes.
- Exhibitions.** 16. To prohibit or regulate the exhibitions of common showmen, or of curiosities or other public exhibitions tending to create or encourage idleness and immorality.
- Obstruction of streets.** 17. To prevent and remove obstructions and incumbrances in and upon all wharves, streets and public places, and the throwing of dirt, filth or rubbish on or from the same into the water adjoining; to direct and regulate the planting, rearing, trimming and preserving of ornamental and shade trees in the streets, parks and grounds of the city; to enforce the removal of snow, ice or dirt from the side-walks and gutters, and to direct the sweeping and cleaning of streets by the persons owning or occupying the premises fronting thereon.
- Duties of officers** 18. To prescribe and define the duties of all officers appointed under this act, not otherwise prescribed for by law.
- Drinking houses.** 19. To regulate victualling houses or cellars, gardens and other places where ardent spirits or other intoxicating drinks may be sold, and to prohibit the keeping of the same, except by persons duly licensed.
- Unwholesome business.** 20. To compel the owner or occupant of any grocery, cellar, tallow chandler's shop, soap factory, tannery, slaughter-house, stables, stalls, privy, sewer, or other unwholesome or nauseous house, place or yard, to cleanse, remove or abate the same from time to time, as often as it may be necessary for the health, comfort or convenience of the inhabitants, at the expense of the owner or occupant thereof, and to prescribe certain limits within which it shall not be lawful to

erect or establish any offensive or unwholesome manufactory or business.

21. To prevent or regulate the erection or construction of any <sup>Erection of buildings.</sup> stoop, step, platform, bay window, cellar door, area, descent into a cellar or basement, sign, or any post or erection, or any projection from any building or otherwise, in, over or upon any street or avenue in, or the removal of any house or other building through said city, and to cause the same to be taken out and removed from such street or avenue at the expense of the owner or occupant of the premises.

22. To cause sidewalks to be flagged, and new curb and gutter <sup>Side-walks.</sup> stones to be put down and laid, where the same do not conform to the ordinances of the common council, except where the want of conformity is the result of the action of the common council or of any city officer or officers, and the expense thereof to be assessed on the adjoining lots, and collected in the same manner as for regulating, grading and paving streets.

23. To direct the digging down, draining or filling up of lots, <sup>Draining and filling up of lots.</sup> pieces or parcels of ground, in all cases in which by a vote of two-thirds they shall decide such digging down, draining, or filling up necessary for preventing any damage or injury to the streets, sidewalks, cross-walks, or to the adjoining property, or for abating a nuisance, at the expense of the owners thereof; to direct the fencing in or closing of vacant lands in said city, and the building and maintaining of sufficient brick or stone walls between any lot or piece of land and any street or avenue adjoining the same in said city, in all cases where such lots or pieces of land shall not properly conform to the level of the streets or avenues adjoining the same, and to require such wall to be built upon any lot or piece of land which shall not so conform, at the expense of the owner or owners thereof, and to be so constructed as to prevent the draining or running of water or any other thing from any street or avenue upon any such lot, and so as to maintain, uphold and preserve the sidewalk of any such street or avenue, and to assess and collect the expenses thereof in the same manner as for regulating, grading and paving streets; but before any ordinance shall be passed for any of the purposes in this, or the last preceding subdivision mentioned, ten days' notice of the application for or the intention to pass such ordinance shall be given to every person to be affected thereby, either personally or by publication in the corporation newspapers.

24. To fix and determine a reasonable compensation to be paid to <sup>Pay of officers.</sup> any officer of said city, or other person employed by them, for any service, required of him by this act or by any ordinance or resolution passed by them, for which no specific fee or compensation is provided by this act, to be paid by the person or persons for whom such service shall be performed, for the use of the city; and to regulate the compensation for the services of any officer of said city, or other person employed by him, for searching the books, files or records of said city for private persons.

25. To regulate the construction of chimneys, and to compel the <sup>Chimneys, &c.</sup> sweeping thereof; to prevent the setting up or construction of stoves,

boilers, ovens or other things in such a manner as to be dangerous ; to prohibit the deposit of ashes in unsafe places ; to authorize any city officer, or person or persons whom they may designate for that purpose, to enter upon and inspect any place or places, for the purpose of ascertaining whether the same is or are in a safe condition, and if not, to direct or cause the same to be made so ; to regulate the carrying on of manufactories dangerous in causing or promoting fires ; to regulate or prohibit the manufacture, sale or use of fireworks or firearms in said city ; to require all such further or other acts to be done, and to regulate or prohibit the doing of all such further or other acts, as they may deem proper to prevent the occurrence and provide for the extinguishment of fires in said city.

**Taxes.**

26. To estimate and determine what amount of money may be raised to defray the annual current expenditure of the city, and to adopt all legal and requisite measures for levying and collecting it.

**Runners for boats, &c.**

27. To regulate and restrain runners for boats, stages, railroads, taverns and other houses, and the running of engines and cars through said city on any railroad established since January first, eighteen hundred and fifty-three.

**Special taxes.**

28. To raise by tax, annually, a sum not exceeding four thousand dollars towards defraying the expenses of the city hospital, and the sum of one thousand dollars for the celebration of the anniversary of American Independence, and, in the same manner as the expenses of the fire department shall be raised, the sum of one thousand five hundred dollars for the fire department funds of the western and eastern districts of said city, to be apportioned between them according to the taxable property of each of said districts, and the sum of one thousand dollars, upon the whole city, to be apportioned between the dispensaries now established in the present cities of Brooklyn and Williamsburgh according to the taxable property of the districts in which they are situated.

**Bread.**

29. To establish assize of bread, and regulate the sale thereof.

**Ringling of bells.**

30. To prevent or regulate the ringing and tolling of bells, blowing of horns and crying of goods, and other things in said city.

**Dangerous buildings.**

31. To raze or demolish any building or erection which, by reason of fire or any other cause, may become dangerous to human life or health, or tend to extend a conflagration.

**Duties of officers.**

32. To limit and define the duties which are by this act required to be performed by the several officers of the city, and to prescribe such other or further duties to be performed by them or any of them, as it may deem proper.

**Correction of assessment roll.**

33. The common council shall have power to correct and rectify any errors committed in any assessment as well for taxes for the various public purposes of the said city as for improvements, local and general, and may exercise such power as well before as after the confirmation of such assessment, on the petition of the person or persons considering themselves aggrieved thereby ; and they may cause to be repaid to the petitioners any excess which may appear to have been paid by them over and above their just and proper tax or assessment, and may also cause to be repaid any amount which the

said petitioners shall have paid when justly and equitably they should not have paid the same. The exercise of this power shall be solely in the discretion of the said common council, and they may or may not exercise the same, as in their judgment the justice and merits of the case may require.

§ 14. The common council shall also have power to make, establish, alter, modify, amend and repeal all such other ordinances, rules, police regulations and by-laws, not contrary to the laws of this state or of the United States, as they may deem necessary to carry into effect the powers conferred on it by this act or by any other law of this state; and such also as they may deem necessary and proper for the good government, order and protection of persons and property, and for the preservation of the public health, peace and prosperity of said city and its inhabitants. Making and repealing ordinances.

§ 15. The common council may allow or permit the removal of any house or other building through or over any street or avenue of said city; but in no case shall a building be removed into a fire district. Removal of houses.

§ 16. In every by-law, ordinance, or police or sanitary regulation the said common council may pass, it may impose such penalty for the violation or non-performance thereof as it may deem proper; but no such by-law, ordinance or regulation shall extend in its operation beyond the territorial limits of the city. Penalties.

§ 17. Suits may be prosecuted in the corporate name of the city against any person or persons who shall violate any provisions of any law, ordinance or regulation of the common council of said city, or who shall neglect or refuse to perform any act or duty thereby required of him or them; and in every such action it shall be sufficient to state in the complaint the by-law, ordinance or regulation, and the section thereof, upon which such action is brought; and proceedings for any violation of the ordinances of the city imposing a penalty, may be commenced by warrant for the arrest of the offender, as well as by summons, to be issued by any magistrate or court having jurisdiction in the case before whom complaint shall be made, under oath, and every police justice and justice of the peace elected in said city shall have jurisdiction in all such cases. Suits.

§ 18. Every general ordinance, by-law, rule or regulation which may be passed by the common council, imposing a penalty, shall, after passage thereof, and before the same shall take effect, be published for ten days successively in the corporation newspapers. Proof of such publication, by the affidavit of the printer or publisher of such newspaper or papers, taken before any officer authorized to administer oaths, filed in the office of the city clerk, or a copy thereof certified by said city clerk, shall be deemed conclusive evidence thereof in all courts and places; but such publication may be proved by any other competent evidence. Publication of ordinances.

§ 19. The common council shall designate such newspapers printed in the western district in said city, not exceeding four in number, in which shall be published all ordinances, resolutions, notices and other proceedings which by this act or any other act are or may be required to be published affecting that district, except as hereinafter otherwise Corporation papers.

directed, and it may alter such designation at pleasure ; but notice of such alteration shall be published in the paper or papers employed by it at the time of such alteration. Notices of tax and assessment sales in such district shall be published in the two newspapers having the largest average daily circulation. All notices of tax and assessment sales, and all ordinances, resolutions, notices and other proceedings affecting the eastern district, shall be published in the two daily newspapers printed in that district having the largest average actual circulation therein.

Fence  
viewers.

§ 20. The aldermen to be elected, as hereinbefore provided, shall be fence viewers within their respective wards, and shall have and exercise all the powers and authority of justices of peace of towns in criminal proceedings, except the discharge of persons in custody ; but shall not be entitled to receive compensation for any services as such justices of the peace.

Yearly esti-  
mate of  
expenses.

§ 21. The mayor shall, annually, on or before the first Monday of February, present to the common council and supervisors of the city, in joint meeting, a statement in writing of the several sums of money which he shall deem necessary to be raised by tax for the various purposes contemplated by this act.

Annual  
meeting.

§ 22. On that day the said common council and supervisors of the city shall meet in joint board, and then, or as soon thereafter as practicable, shall proceed to determine, by a majority of at least two-thirds of the members present, what sums, in addition to such as may be directed by the board of supervisors of the county of Kings to be raised to defray county charges and entitle the city to its distributive share of the public school moneys, are necessary to defray the contingent and all other expenses of said city, including any interest due or to become due on the public debt of said city, or any portion thereof, as well as any instalments which may become due thereon, together with such sums as shall hereinafter be authorized for the use and benefit of the public schools of said city, or such as may at any time be required by law to be paid into the sinking fund of the city.

Lamp and  
fire district.

§ 23. The whole of said city, except the eighth, ninth and eighteenth wards, shall constitute a lamp and fire district, subject to the several provisions for the enlargement thereof hereinafter contained ; and in determining the amount required to be raised by tax, as provided in the last preceding section, the said joint board shall apportion the aggregate amount thereof between the city at large and the several parts thereof, by specifying how much is to be levied upon the city at large, and how much upon the property within the lamp and fire district.

Presiding  
officer and  
clerk.

§ 24. The mayor shall preside over such joint board, and the city clerk shall be the clerk thereof, who shall deliver a copy of the resolution, duly certified by the mayor, to the board of supervisors of the county of Kings, at their next annual meeting thereafter ; and the several amounts specified in said resolution shall be assessed and rated by said board upon and among the owners of the estate, real and personal, incorporated companies and associations in said city, in the manner herein directed.

§ 25. No part of the expenses of the lamp and fire district shall be raised outside of the same ; nor shall any portion of the eighth, ninth and eighteenth wards be included therein ; but the common council may at any time they think proper, by a vote of two-thirds, embrace any of the improved portions of said wards within such district, and such portions of the said wards may also be annexed to said district upon the application of a majority of the persons interested therein, if the said common council deem it proper so to annex the same. Expenses of  
lamp and  
fire district.

§ 26. The common council shall have no power to remit fines for penalties incurred in violation of ordinances, or forfeitures for nonfulfilment of contracts for work done in cases where local assessments shall be laid, but such power may be exercised by the mayor, who shall, before the same be effective, transmit his decision to the common council, with his reason therefor in writing, who shall order the publication of the same. Remission  
of fines.

### TITLE III.

#### OF CITY OFFICERS, THEIR ELECTION AND DUTIES.

SECTION 1. The administrative powers of the said corporation shall be vested in a mayor, chief of police, comptroller, auditor, treasurer, street commissioner, commissioners of repairs and supplies, two collectors of taxes and assessments, one for the eastern and one for the western district, and such other officers as shall from time to time be created by law or appointed by virtue of this act. Officers.

§ 2. No person shall be elected or appointed to any office unless he be at the time of his election a resident and elector of the city, and if elected to any ward or district office, an actual resident in such ward or district ; and his removal therefrom shall vacate such office. Qualification  
for office.

§ 3. Elections for mayor, aldermen, and such other officers as are by the provisions of this act to be elected, shall be annually held in each of the wards and election districts of said city, on the day of the general state election, at such places as the common council shall designate. The first election for said officers, except street commissioner, collectors of taxes and assessments, and commissioner of repairs and supplies, shall be held on the day of the next general election, in November next, at the same time and places and by the same inspectors as the said general election shall be held, who shall be provided with suitable boxes for the purpose by the same authorities, whose duty it shall be to provide boxes for such general election. The common councils of Brooklyn and Williamsburgh, respectively, and the supervisors and justices of the peace of Bushwick, shall designate election districts and appoint inspectors for the said first election for the additional wards laid out by this act in their respective municipalities. The electors shall vote by ballot in the district where they actually reside. Elections.

§ 4. On the outside of each ballot, when folded, shall appear, written or printed, one of the following words, " City," " Excise," but no ballot found in the proper box shall be rejected for want of such en- Ballots.

dorsement. The ballot endorsed "City," shall contain the names of all the city and ward officers then to be chosen (except commissioners of excise,) any or either of them; and the ballot endorsed "Excise," the names of the commissioners of excise to be chosen, any or either of them; such ballots shall be deposited in separate boxes, to be provided by the city for that purpose, and all the provisions of law in respect to the election of state officers shall be deemed to apply to elections held under this act, so far as the same are applicable and consistent therewith.

Statements  
of canvassers.

§ 5. The original statements which shall be made of the canvass shall be duly certified by the inspectors. They shall deliver one copy thereof, together with a copy of the poll lists, to the city clerk, and another copy of each to the chairman of the board of canvassers within twenty-four hours after the closing of the polls, which shall remain with them until delivered to the board of canvassers, without alteration, supplement or amendment.

Canvass of  
November,  
1854.

§ 6. For the purpose of canvassing the votes given for city and ward officers at the general election to be held in November, 1854, the common council of the city of Brooklyn shall appoint twelve of its number, the common council of the city of Williamsburgh shall appoint four of its number, and the inspectors of election of the two election districts of the town of Bushwick shall each appoint one of their number; such appointments shall be made at least two weeks before said election, and the persons thus appointed shall constitute a board of canvassers for said election, with power to appoint its own chairman and clerk. Said board shall meet and organize in the common council chamber of the city of Brooklyn at least one week before said election; the statements of canvass shall be delivered to such chairman and clerk, as provided in the fifth section of this title; and said board shall thereupon proceed to canvass such statements at the same time and in the same manner as hereinafter provided.

Board of  
canvassers.

§ 7. For the purpose of canvassing the votes given for the city and ward officers at any election except the said election in November, 1854, the common council shall constitute the board of canvassers. The mayor, or in his absence the president of said board, shall preside, and the city clerk or his assistant shall be the clerk thereof. They shall meet at the room of the common council on the Monday next following the election, at or before five o'clock of that day, and a majority of aldermen shall constitute a quorum. The clerk shall then produce the original statements of canvass in each district, as the same shall have been delivered to him, and from them the board shall proceed to ascertain the votes given at such election for the several persons voted for thereat for the several offices mentioned in such statements.

Statement  
of votes.

§ 8. They shall make a written statement of the whole number of votes given for mayor of said city, as well as for the several other officers to be elected for said city and the several wards thereof; the names of the persons to whom such votes were given, and the number of votes given to each.

§ 9. Upon such statement, the board shall proceed to determine

and declare what person or persons have received the highest number of votes for each of the offices mentioned in such statement. In case any two or more persons shall have received an equal number of votes for the same office, the board shall determine by lot between them. The statement and final declaration of the board shall be certified by the presiding officer and clerk, and filed in the office of the city clerk. Certificate  
of result.

§ 10. The clerk shall keep proper minutes of the proceedings of the board, and enter the same, with the statement and declaration of the board, in the book of minutes of the common council. Said statement and declaration shall, within one week thereafter, be published in one or more of the newspapers printed in each of the districts of said city. And within ten days after the board shall have determined what persons have been elected to the several offices in said city, the clerk shall cause written notices of his election to be given to each of the persons so elected. Minutes of  
board.

§ 11. The mayor shall be elected every two years, and no person shall be eligible to that office unless he has resided in the city at least five years, and has attained the age of twenty-five years. His salary shall not be less than two thousand dollars per annum. He shall, by virtue of his office, be a supervisor of the city of Brooklyn, and shall possess all the jurisdiction and exercise all the powers and authority in criminal cases of a justice of the peace of said city, in addition to the powers heretofore given him by this or any other act; but shall receive no fees for his services as such justice of the peace, or for his services as supervisor. It shall be his duty: Election of  
mayor.

1. To communicate to the common council, at their first meeting in the month of January, each year, and oftener if he shall deem it expedient, a general statement of the situation and condition of the city in relation to its government, finances and improvements, with such recommendations as he may deem proper. Duties.

2. To be vigilant and active in causing the laws and ordinances of the city to be duly executed and enforced, and to exercise a constant supervision over the conduct and acts of all subordinate officers, and to examine into all complaints preferred against them for a violation or neglect of duty, and generally to perform all such duties as may be required of him by law; for which purpose he shall have and possess all the authority and power, in criminal cases, to arrest and commit for examination all offenders for offences committed within said city against the laws of this state, of a police magistrate or justice of the peace of any of the towns of this state, and for the preservation of the peace. And shall have the power and authority to issue warrants against any and all persons violating any of the ordinances, by-laws or regulations of the common council or of the board of health, or to direct the proper officers to arrest such persons and summarily to hear, try and determine and dispose of the same, where the penalty imposed by said ordinance, by-law or regulation shall not exceed ten dollars. And in case the penalty imposed by said ordinance, by-law or resolution shall not be paid forthwith, upon such person being adjudged guilty, then the said mayor shall have

power, by warrant under his hand and seal, to commit the said offender to the county jail of Kings county for a term not exceeding thirty days, or until the fine is paid; and in cases where the penalty shall exceed ten dollars, the said mayor may, after examination, hold the parties to bail. And in all cases where such person shall hold a license or warrant, granted by the common council or any of the officers thereof, it shall be lawful for the said mayor to suspend said licenses, or warrant, or the person so found guilty, from the benefits and privileges of said license or warrant, until the common council shall pass upon the same. And it shall be the duty of the mayor to report the fact of such suspension, together with his reason therefor, to the common council at the next meeting thereof. And no person so suspended shall be entitled to any benefits, privileges or rights under such license or warrant until the suspension shall be removed by the common council.

**Vacancies**

§ 12. Whenever there shall be a vacancy in the office of mayor, or whenever the mayor shall be prevented, by absence from the city, by sickness or any other cause, from attending to the duties of his office, the president of the common council, or if the said president shall be absent or disabled, the president to be elected pro tempore, shall act as mayor and possess all the rights and powers of the mayor during the vacancy in office caused by the absence or disability of the mayor or of the president of the common council, and the said president shall receive the same compensation as the mayor, while acting in such capacity.

**Comptroller.**

§ 13. There shall be a comptroller, who shall be elected by the city at large every three years, except as hereinafter mentioned. He shall render to the common council, as often as required, a full and detailed statement of all the receipts and disbursements of the city government from time to time, specifying the amounts expended and unexpended on each appropriation made by the common council, with the state of account, together with a general statement of the liabilities and resources of the city, and such other information as may be necessary to a full understanding of the financial affairs of the city. He shall also, under the direction of the common council, prepare the annual statement hereinbefore directed to be published, and manage all the financial concerns of the corporation, in addition to such duties as may be required of him by law, and shall be entitled to receive such salary as the common council shall determine, and by consent of the common council may appoint a deputy comptroller, for whose acts he shall be responsible. He may administer an oath to any person or officer who shall be required to render any account or make any return to him, or furnish proof of his right to receive any sum of money, or any evidence of indebtedness from the said comptroller, or from the city of Brooklyn.

**Street commissioner.**

§ 14. There shall be a street commissioner, who shall be elected by the city at large every three years. He shall perform all such services as may be directed in relation to the opening, widening or regulating, grading and paving streets and avenues, with such other duties as may from time to time be prescribed for him by the common

council, not inconsistent with this office. He shall receive and have charge of all maps, books and papers appertaining to his department, and shall be entitled to such salary as the said common council shall determine; and by consent of the common council may appoint a deputy street commissioner, for whose acts he shall be responsible, and who shall hold his office during the pleasure of the street commissioner. The deputy street commissioner shall possess all the powers and discharge all the duties of the street commissioner, in case of the absence of that officer. The street commissioner shall also have power to appoint such other clerks and subordinates in his department as the common council shall from time to time deem necessary.

§ 15. There shall be a treasurer, who shall be elected by the city Treasurer. at large every three years, except as hereinafter mentioned, who shall receive and deposit daily, under the direction of the common council, all moneys belonging to the city in such banks, to the credit of the city, as the common council may direct, and upon such terms as the common council may determine, or in default thereof, in such banks as he may think fit, but no greater amount shall be deposited in any one bank than one-quarter of its capital. He shall countersign all warrants, also keep an accurate account of all receipts and payments, and make weekly returns thereof in such manner as the common council shall direct. The common council shall make orders for the payment of all moneys to be drawn out of the treasury, and no money shall be drawn or paid out of the treasury except in pursuance of such orders appropriating the same, and upon warrants signed by the mayor or acting mayor and comptroller, and countersigned by the city clerk, or in his absence by his assistant. Such warrants shall specify for what purpose the amount therein mentioned is to be paid; the appropriation against which it is drawn, and the date of the ordinance making the same; and the said clerk shall keep an accurate account of all orders, directing moneys to be paid by the treasurer, in a book provided for that purpose.

§ 16. There shall be a commissioner of repairs and supplies, who Commissioner of repairs. shall be elected by the city at large every three years, except as hereinafter mentioned. He shall, under the direction of the common council, have charge of all repairs and supplies of and for the public buildings, station houses and bell towers, wharves and piers belonging to the city, and of and for the pavements, sides and cross-walks, fire engines and other property of the fire department, lamps, oil and gas, fuel and stationery for the public offices of the city. He shall perform such other duties as shall from time to time be prescribed for him by said common council, not inconsistent with his office, and receive a salary to be determined by said common council; and by consent of the common council may appoint a deputy commissioner and foreman of repairs and supplies, for whose acts he shall be responsible; and shall have power, under the direction and by the consent of the mayor and the aldermen of the ward where repairs are required to be performed immediately, to expend in such repairs an amount not exceeding fifty dollars on any such occasion.

§ 17. There shall be an auditor, who shall be elected by the city at Auditor.

large every three years, except as hereinafter mentioned. It shall be his duty to examine all bills presented against the city for payment. No claims against the city, or for local improvements, or otherwise howsoever, shall be paid, unless he shall certify the same to have been incurred under due authority of law, and that the services have been rendered or the materials furnished for which such bills may be presented, and that the charges are just and reasonable, or according to contract. He may require the oath mentioned in section twelve of this title, and may administer the same.

Attorney  
and counsel.

§ 18. The common council shall appoint a suitable and proper person as, and who shall be the attorney and counsel for the corporation. He shall have the management, charge and control of all the law business of the corporation, and the departments thereof, and all the law business in which the city shall be interested; draw all leases, deeds and other legal papers for the city, and shall be the legal adviser of the mayor and common council and the several departments of the corporation; he shall have the charge, management and control of, and shall conduct all the proceedings necessary in opening, widening, altering or closing streets, avenues, parks, roads or lanes, and all other local improvements of the same kind, and he shall have the power and authority from time to time, during his continuance in office, to authorize an attorney or other person to appear for him in his name, for and on behalf of the said corporation, and conduct and defend suits and proceedings in all courts and places. The said attorney and counsellor shall devote the whole of the business hours of the day to and for the use of the corporation and business above set forth. He shall receive from the common council an annual salary of three thousand dollars, to be paid quarterly, exclusive of all disbursements, and in full for all services rendered or performed by him for the corporation, including all attorney and counsel fees arising or which may accrue on any proceedings for local improvements or otherwise; all which fees shall belong to and be paid into the city treasury. The common council shall provide suitable apartments for the said attorney and counsel in the City Hall, with all the necessary furniture and stationery, and shall allow and pay the said attorney and counsel such further sum as may be necessary, not to exceed two thousand five hundred dollars annually (to be paid quarterly,) in full for the services of any attorney or clerk he may employ, which salary shall be in lieu of all fees and perquisites whatever as such attorney and counsellor, and he shall hold his office for the term of one year from the time of his appointment.

Remission of  
fines

§ 19. No fines imposed for a violation of any of the ordinances, by-laws or regulations of the common council shall be remitted by the mayor until after having received the advice in writing of the said attorney and counsellor. And no deed of cession of any street or parts of streets, avenues, lanes, roads or parks, shall be accepted by the said common council until the title of the parties ceding the lands on the same shall have been examined and ascertained by the said attorney and counsellor, and he shall report to the common council such fact in writing. The fees and expenses thereof to be

paid by the parties executing the deed of cession, which said fees and expenses shall be paid into the treasury for the use of the city.

§ 20. The city clerk shall, in addition to the duties in this act required of him, have charge of all the papers and documents of the city, countersign all licenses granted by the mayor or board of excise, and keep the record of the proceedings of the common council. He shall perform all the duties of the clerks of the several towns of this state, not inconsistent with this act. He shall engross all the ordinances of the common council, in a book to be provided for that purpose, with proper indexes, which book shall be deemed a public record of such ordinances, and each ordinance shall be signed by the mayor or acting mayor and said clerk. Copies of all papers duly filed in his office, and transcripts thereof, and of the records of proceedings of the common council, and copies of the laws or ordinances of the said city, certified by him under the corporate seal, shall be evidence in all courts and places of the matters therein contained. He shall also receive and pay over to the treasurer all moneys which b. any law or usage are paid to the clerk of the city.

City clerk,  
his duties.

§ 21. The common council shall annually appoint so many city surveyors as it shall deem proper, and fix their compensation for services in the opening or grading of any street, avenue, square, or making any other local improvement, and in all other cases in which they may be employed by the common council, and shall require from them bonds with such penalties as they may deem sufficient to secure the faithful performance of all their duties.

City survey-  
ors.

§ 22. There shall be annually elected, in each ward, one constable, who shall perform such duties as are by law prescribed to constables in other towns and counties of the state. He shall not be considered as attached to the police force, except when specially required by the mayor or chief of police.

Constables.

§ 23. The official term of the several persons who shall be elected in pursuance of this act shall commence on the first Monday of January next after their election, except the term of office of the collectors of taxes and assessments, whose term of office shall commence on the first day of July after their election; and the official terms of all persons who shall be appointed to any office or place, in pursuance of this act, shall commence as follows:

Official term  
of office.

1. Such as are required to give security for the performance of their duties from the time such security shall be given and approved of.

2. Such as are not required to give security from the time they shall have taken and filed the oath hereafter mentioned.

§ 24. The common council, in a meeting on the first Monday of January, or as soon thereafter as practicable, at which the mayor or president of the common council shall preside, and from time to time as may be necessary, shall by ballot appoint a suitable person as clerk, attorney and counsellor, one health officer, and a messenger to the said common council, and a keeper of the city hall, two inspectors of pavements for the western district and one for the eastern district, and shall also, by ballot or otherwise, as they may determine, appoint so many fire-wardens, pound-masters, clerks of markets, inspec-

Appoint-  
ment of  
officers.

tors of meats, surveyors, sealers of weights and measures, and clerks of departments as they shall deem it expedient to appoint. All persons so appointed shall hold their respective offices until the first Monday of January next after their appointment, and until their successors shall have been appointed and have qualified, unless sooner removed for official misconduct.

**Sureties.**

§ 25. The treasurer of the city, comptroller, collector of taxes and assessments, auditor, street commissioner, city clerk, the attorney and counsellor, and such other officers as the common council shall direct, shall severally execute a bond to the corporation, in such penalty as the said common council shall require, except as herein otherwise provided, with such sureties as said common council shall approve, conditioned for the faithful performance of their respective duties, and for accounting and paying over all moneys by them respectively received in their official capacities. In case such officers shall refuse or neglect, for ten days after they are notified of their election or appointment, to execute and deliver to the city clerk the bond herein required, such neglect or refusal shall be immediately reported to the said common council, who may declare such office vacant, and forthwith proceed to appoint another in his place.

**Sureties of constables.**

§ 26. The constables elected by the several wards shall also, with such sureties as the said common council shall approve, severally execute and deliver to said corporation a bond for the faithful performance of their duties, and for the due payment, to every person who may be entitled thereto, of all such sums of money as such constable may become liable to pay by means or on account of any execution or other process which shall be delivered to him for collection.

**Amount of surety.**

§ 27. The sureties referred to in the last two preceding sections shall justify in such form as the common council shall prescribe, and the bonds thereby required, after having been duly approved, shall be filed in the office of the city clerk, except that the bond of the city clerk shall be filed in the office of the comptroller, before any one of the officers required to execute the same shall enter upon the duties of their respective offices.

**Oath of office.**

§ 28. Every person elected or appointed to any office in pursuance of this act, or of any law or ordinance of the common council, shall, before he enters upon the duties of such office, take and subscribe, before the mayor, city clerk or some person authorized to administer the same, the constitutional oath of office of this state, and file the same in the office of the city clerk; and if any such person shall neglect to take such oath for ten days after receiving notice of his election or appointment, or shall neglect for the like space of time to give such security as may be required of him, he shall be considered as having declined such office, and the same shall be deemed vacant; and if and whenever any vacancy shall occur in any of the offices to which by this act the common council may make appointments, it shall proceed to appoint suitable persons to fill such vacancies.

**Salaries.**

§ 29. The common council shall grant and pay to the mayor, comptroller, auditor, street commissioner, chief of police, collectors of

taxes and assessments, attorney and counsellor, treasurer and all other officers, assessors, commissioners, clerks or other subordinates, elected or appointed under or in pursuance of this act (except to aldermen and supervisors,) such stated salaries as it may from time to time deem proper or shall be fixed by this act; but such salaries shall be instead of all fees and perquisites whatever, for services performed by such officers; and all such fees and perquisites shall be collected and paid to the treasurer of the city for the use of the city by every such officer and clerk monthly, under oath, to be filed with the comptroller before he shall be entitled to receive any such salary, but no officer's salary shall be either increased or diminished after his election and during his continuance in office.

§ 30. Any officer elected under this act may resign his office by giving notice, in writing, of his intention to the city clerk and publishing a copy of such notice in the corporation newspapers; and any officer failing to discharge the duties of his office for the space of one month shall, unless excused by the common council, be deemed to have resigned. Whenever a vacancy shall occur in any of said offices, except in the office of an alderman, whether caused by death, removal or otherwise, the common council may proceed, by ballot, to fill the vacancy until the next ensuing charter election, when a person shall be elected for the balance, if any, of the term so vacated. Resignations  
and vacan-  
cies.

§ 31. Any officer, except the mayor, may be removed from office for misconduct by the resolution of the common council, provided that no such removal shall take place until the party sought to be removed has had an opportunity to be heard on his defence, nor unless two-thirds of all the members elected, respectively, vote therefor. Whenever any such removal shall take place, the cause therefor, together with the ayes and noes upon the vote taken, shall be entered at large upon the journal of the common council. Removals.

§ 32. If any person, having been an officer of said city, shall not, within ten days after he shall have vacated or been removed from the office, and upon notification and request by the city clerk, or within such time thereafter as the common council shall allow, deliver over to his successor in office all the property, books and papers belonging to the city, or appertaining to such office, in his possession or under his control, he shall forfeit and pay to the city the sum of five hundred dollars, to be sued for and recovered with costs. Penalty for  
not deliver-  
ing over  
books and  
papers.

§ 33. No member of the common council shall, during the period for which he was elected, be appointed to or competent to hold any office the emoluments of which are paid from the treasury; or be directly or indirectly interested in any contract, work or business, or the sale of any article, the expense, price or consideration of which is paid from the said city treasury, or by any assessment levied by any act or ordinance of the said common council; nor shall any such member be directly or indirectly interested in the purchase of any real estate or property belonging to the corporation, or which shall be sold for taxes or assessments, or become security for any officer appointed by said common council, or for any contractor under the city government. Members of  
common  
council, cer-  
tain disabili-  
ties.

**Supervisors.** § 34. There shall be elected annually in each ward, at the same time with the other city officers, a supervisor, who shall possess all the powers and be entitled to the compensation of a supervisor of the county of Kings; and the said supervisor shall possess the powers and perform the duties in the city court of Brooklyn now invested by law in the aldermen of said city.

**Districts.** § 35. That portion of the city lying south and west of the Navy Hospital and Flushing avenue, shall be denominated the Western District; and the present city of Williamsburgh and the town of Bushwick, and that portion of the city of Brooklyn lying north and east of the Naval Hospital and Flushing avenue, shall be denominated the Eastern District.

**The city court of Brooklyn.** § 36. The jurisdiction of "the city court of Brooklyn" is hereby extended to the city hereby incorporated, and the powers of said court and of the judge thereof shall be the same as if the city hereby incorporated had been included in the act establishing said court and amending the same. The election of city judge shall be held at the general election in November, 1854, and at the general election every six years thereafter.

## TITLE IV.

### OF ASSESSMENTS FOR PUBLIC OR LOCAL IMPROVEMENTS.

**Laying out of streets.** SECTION 1. The common council shall have power, under the restrictions and limitations hereinafter mentioned, to cause streets and avenues to be opened and widened, and to be regulated, graded and paved, and to cause public squares and parks to be opened, regulated, ornamented and protected, and streets and avenues to be kept in repair, and from time to time to be repaved, or regraded and repaved; to close up and discontinue roads, streets, lanes and avenues; to provide that lamp posts and lamps be erected, and cisterns made for the purpose of furnishing water in case of fire; to cause sewers and drains, wells and pumps to be constructed and repaired, and generally to have such other improvements in and about such streets, avenues and squares as the public want and convenience shall require. The expense of all such improvements (except for repairs) shall be assessed and be a lien on the property benefitted thereby, in proportion to the amount of said benefit. In all cases where the common council shall decide upon the grading and paving any street or avenue, they shall cause a sufficient number of culverts or drains to be constructed under such street or avenue as may be necessary to carry off the surface water of the lands which shed their water across the line of such street or avenue.

**Petition.** § 2. No proceedings shall be taken to open any street, park, avenue or square, unless upon petition, signed by a majority of the persons owning land situated on the line of the said improvement; and all streets and squares now opened or used as such, and streets and squares to be opened and widened by the proceedings under these provisions, or to be ceded to and accepted by the common council, shall be under the jurisdiction, management and control of

the said common council for the purpose of making the improvements before mentioned, as the public wants and convenience shall require, and for all purposes mentioned in or necessary for the fully carrying into effect all the provisions in this act, and the powers granted to the common council by this or any other act.

§ 3. Whenever a petition for opening or widening any street, road, avenue, park or square in said city, signed by a majority of the persons owning land situated on the line of the same, shall be presented, the common council of said city shall cause a notice to be published, in two of the newspapers published in said city, that such application has been made, and of the time (which shall not be less than twenty days after the first publication of such notice) when they will proceed on said petition, which notice shall be published daily for two weeks successively ; and unless a remonstrance, signed by a majority of the persons who will be assessed for the expenses thereof, shall be presented to them on or before the day specified in said notice, and if they shall deem the application proper, they may, on the day specified in said notice, or as soon thereafter as may be, by a resolution, decide to allow such improvement to be made. Before giving notice of the pendency of such application, the common council shall fix the limit or district of assessment beyond which the assessment shall not extend ; and a description of such limit or district shall be inserted in and form part of such notice. If the common council shall deem it proper to permit such improvements to be made, they shall cause application to be made to the county court of the county of Kings, or in case of the disability of the county judge, by reason of interest or otherwise, then to the supreme court at a special term held in the county for the appointment of three persons as commissioners to estimate and assess the expense of said improvement, the amount of damages and benefit to be sustained and derived therefrom by the owners of such lands and buildings as may be affected thereby. The persons so appointed shall not be interested in the improvement. The said court may also appoint another or others to act in the place of any one or more of such commissioners who may die, decline serving, remove from the city, be or become interested in the improvement, or from any cause may be disabled from serving.

§ 4. The persons so applying, and who shall have signed a petition for any such improvement, shall be chargeable with, and are hereby declared liable for all charges and expenses which may accrue on such application, if the same is refused by the common council ; and also for all costs, fees, damages and expenses which shall not be collected on any proceedings instituted under any such petition or petitions by the common council.

§ 5. The common council of the city of Brooklyn shall cause a map to be made under the direction of the street commissioner, by a competent surveyor, on which map shall be designated by feet and inches, as near as may be, the several pieces of land and premises necessary to be taken for the improvement, and of any residue of lots or pieces of land, within the district of assessment, of which only a part will be required of the same ; and also the several pieces of

Proceedings  
on petition.

Expenses in  
case prayer  
of petition is  
denied.

Maps of pre-  
mises to be  
taken.

land and premises within the district of assessment laid out by the said common council, which said several pieces of land shall be numbered in figures from one upwards ; and the map aforesaid shall form and constitute a part of the report of the commissioners of estimate and assessment, and shall be deposited with the report for examination in the office of the clerk of the county of Kings.

Commissioners to be sworn.

§ 6. The said commissioners shall be sworn, before some officer authorized to administer oaths, faithfully and impartially to perform the duties which shall devolve upon them by virtue of said appointment, and shall then proceed with all reasonable diligence to make the estimate and assessment mentioned in the preceding section ; and for this purpose they shall have power to enter upon and examine any premises which, in their opinion, will be affected by said improvement, to hear the proofs and allegations of the parties interested at such time and place as they may appoint, and to continue such hearing by adjournment from time to time as they may deem proper.

Report of commissioners.

§ 7. The report of said commissioners shall be made in a tabular form, with columns, in which shall be distinctly given the whole expense of the proposed improvement, and the several items thereof, the number on the map of the pieces of land required for the improvement, and of any residue, lots or pieces of land, within the district of assessment, of which only a part will be required for the same ; the number of the pieces of land assessed for benefits ; the names of persons interested in the property taken or assessed for the improvement ; the amount awarded to the different parties interested in the lands and premises required for the improvement ; the amount assessed on each piece of land, and on the different interests therein ; the balance of award to be received by the respective parties over the assessment ; the balance of assessment to be paid by each individual whose assessments amount to more than the award ; and so many and such other different columns and tabular statements as may be necessary to designate the true interests of the parties in the lands and premises required for the improvement and their liabilities in relation thereto.

Residue of lots injured.

§ 8. When a residue shall be left of any lot or lots necessary to be taken for such improvement, the said commissioners may, in cases where injury or injustice would otherwise be done, and with the consent, in writing, of the owner or owners of such lot or lots, include the whole or any part of such residue in their report (briefly describing the same,) and estimate separately the value thereof. Every such residue or part of a residue, which shall be so included, shall, upon the confirmation of said report, as hereinafter provided, and the payment or tender of the amount at which the same shall be so estimated to the owner or owners thereof, vest in fee simple in the city of Brooklyn, who shall thereupon sell and dispose of the same, at a price or prices not less than the sum at which it shall have been so estimated, to the owner or owners of the next adjacent lands ; and if he or they shall not upon reasonable notice, to be determined by the common council of said city, elect to take the same at such price

or prices, it shall be disposed of at public auction, upon such notice as the common council shall deem proper, for the best price or prices that can be obtained for the same. In case the same shall sell for a less sum than that at which its value was estimated by the commissioners, the deficiency shall be deemed a part of the general amount of loss and expense arising from the improvement. And for the purpose of providing for the event of such deficiency, and for the payment of the amount thereof, the commissioners shall include, in the estimate and assessment of the expense of such improvement, the estimated value of any such residue, or part of a residue, which may be included as aforesaid in their report, and upon the sale of the same, as above provided, the proceeds thereof shall be credited and allowed to each of the persons assessed, in proportion to the amount of the respective assessments against them.

§ 9. In other cases in which part only of the land and premises of any person or persons will be required for any such proposed improvement, the fair estimated benefit to be derived by him, her or them, in common with others, for the said improvement, shall be assessed and be a lien upon the residue of such land and premises, but such assessment shall in no case exceed the value of such residue; and if in the opinion of the court to whom the said report shall be presented for confirmation, as hereinafter provided, any assessment shall exceed such value, it shall be good cause against confirming the said report. Estimate of benefit.

§ 10. When all the land and premises of any person or persons will be required for the contemplated improvement, or where part only thereof will be required, and the estimated damages to be sustained by the appropriation of such part to the purposes thereof shall exceed the fair estimated benefit which, in common with others, he, she or they will derive from the said improvement, the amount of the estimated damages in the first case, and of the excess of such estimated damages in the last, shall be assessed and be a lien on other lands and premises, according to the estimated benefit to be derived from the said improvement. Estimated damages.

§ 11. The said commissioners shall also estimate in their said report any damages arising from the said improvement which may be sustained by the owner or owners of any land bounded on public highway by reason of the location of the proposed street, avenue or square, in such manner as to interpose the land of any other person between such proposed street, avenue or square and the said highway; and the amount of such estimated damages shall be assessed and be a lien on other lands and premises, according to the benefit to be derived by them respectively from the said improvement. Damages by intervening lands.

§ 12. After said report shall be completed, it shall be filed by the said commissioners in the office of the clerk of the county of Kings. They shall then cause a notice to be published that the same has been completed and filed, and that they will meet at a time and place therein to be specified, not less than ten days from the first publication of such notice, to review their report. During that time the said report may be examined, free of expense, by all persons interested; Notice of meeting to revise report

and at the time and place so specified any person may offer objections in writing to the said report, and accompany the same with such affidavits as he may think proper. The said commissioners shall thereupon, or as soon as conveniently may be thereafter, review their said report, and correct the same where they shall deem it proper, and shall then again file the same in the office of the clerk of the said county of Kings. The common council shall then cause a notice to be published, in the newspaper or newspapers employed by the said corporation, that the said report has been so completed and filed, and that application will be made on behalf of the said common council to the county court of the county of Kings, or to the supreme court at one of the special terms thereof, the time to be specified in such notice (and in either case not less than ten days from first publication thereof,) to have said report confirmed. During the said space of ten days the said report shall remain open to the inspection, free of expense, of all persons interested; and any such person may, within that time, appeal from said report. Such appeal shall be by notice, to be served on the clerk of the said common council within the period last mentioned, and at least six days before the time at which the said report is to be presented to the court for confirmation, which notice shall be accompanied with copies of the affidavits which shall have been delivered to the commissioners (if it shall be intended to use or to refer to copies thereof on such appeal,) and also with a brief statement in writing of the grounds of objection to such report, and of the manner in which it is contended that the same ought to be altered.

Appeal.

Hearing of  
appeal.

§ 13. Such appeal shall be heard by the court to which the said report shall be presented for confirmation, at the time the same shall be so presented. Copies of the affidavits which shall have been delivered and served as aforesaid (but no others) may be read against confirming the said report, and affidavits may be also read to sustain the same; but no cause against such confirmation shall be heard, except an appeal shall have been made in the manner provided in the preceding section of this act. If no sufficient reason to the contrary shall appear to the court, they shall confirm the said report; or if, in their opinion, the same ought not to be confirmed, they may refuse so to do, and in the event of such refusal they shall in the proper cases refer it back for revision and correction to the same or other commissioners, who shall proceed to revise and correct the same, and cause it, or a new report, to be filed in the office of the clerk of the said county. The common council shall thereupon cause a new notice to be published, in the manner required in the preceding section of this act, of the filing of such report, and of their intention to apply for the confirmation thereof. The said report may be appealed from within the time and in the manner provided in the said section, and such appeal shall be proceeded upon and the said report again disposed of in the manner directed by this section; and so often as any such report shall be referred back for revision and correction, the like proceedings shall be thereupon had as are provided in this section upon a first reference back to the said commissioners. In cases, however, where the said court can from the nature of the case and shall

direct specific alterations to be made therein, and such alterations shall be made in its presence or during the same term, they may thereupon absolutely confirm the said report without further notice.

§ 14. The court to which any such report shall be presented for confirmation shall have power, in their discretion, to award costs against the appellant in cases where the appeal shall not be prosecuted or sustained. Costs of appeal.

§ 15. After the reports of the commissioners shall be confirmed, the said reports shall be delivered to the common council of said city, who shall be thereupon authorized to cause such improvements to be made. At such time within the space of thirty days next after the confirmation of the said report, any person from whom any assessment contained therein may be due may pay the amount thereof, without any additional expense for collecting, to the collectors of taxes and assessments, and in the manner herein and by this act provided. Confirmation and payment of assessments.

§ 16. The city comptroller shall pay to the persons (or to the attorneys or legal representatives of such persons) to whom damages may have been awarded in such report the amount of such damages, without any deduction therefrom by way of fee or commission. Payment of damages.

§ 17. The commissioners of estimate and assessment, to be appointed as aforesaid, shall be allowed two dollars for each and every day while actually and necessarily employed in and about their duties; provided they shall each make an affidavit that they and each of them were so employed for four hours at least in each day, except the first and last days, on which they shall meet and present their account for such service, so verified, to the proper officers for taxation; and such compensation, and the fees and charges of surveyors and other persons, shall be estimated as part of the expenses of the improvement, and be afterwards taxed or certified by some officer authorized to tax costs in the supreme court of this state. Pay of commissioners.

§ 18. If the estimate of the expenses shall exceed the amount of expenses which shall be actually incurred in making the improvement, such excess shall be refunded or allowed to the persons assessed, in proportion to the amount of their respective assessments. Excess of estimate over expenses.

§ 19. In any case of opening, widening or extending any street, avenue or square, road or highway, under the provisions of this act, the county court of the county of Kings, or the county judge thereof in term or vacation, or a justice of the supreme court, shall have power, on application, to appoint guardians for infants or other incompetent persons, in the nature of guardians ad litem, to protect their interests or prosecute appeals, who shall be entitled to receive five dollars for their services and attendance before the commissioners, and no other fees or costs, unless upon an appeal, in which case the judge who shall hear the appeal shall fix upon the further amount to be allowed them, if any, and shall certify the same. Guardians for infants.

§ 20. The costs and fees of the attorney and counsel in any such proceedings, exclusive of his disbursements, shall not exceed in any case the sum of two hundred dollars, unless on appeal, or when the report is sent back to the commissioners; and in such case the judge Costs and fees of proceedings.

who heard the appeal may allow such further sum in addition to the taxed or certified bills as he may deem just and proper; and such costs and fees shall be paid into the city treasury for the use of the city.

Lien of assessments.

§ 21. All assessments for improvements in said city, when the same shall have been confirmed according to the provisions of this act, shall constitute and be a lien upon the property assessed, from the time of such confirmation, which lien shall have priority over all other liens or incumbrances.

Paving and grading streets.

§ 22. The board of assessors shall, under such regulations as they may adopt, and by at least three of their number, apportion and assess the expense of regulating, grading and paving, or regrading and repaving streets, and of constructing wells and pumps, public cisterns, sewers and drains, lamp-posts and lamps, flagging sidewalks, fencing and filling in lots, and of all other public improvements, except as herein otherwise directed; and the common council shall proceed in regard to the assessments therefor in the manner hereinafter provided.

Expense, how assessed

§ 23. Upon a copy of the resolution of the common council deciding to make any such improvement and fixing the amount to be assessed for the expense thereof, certified by the city clerk and approved by the mayor, being sent to the board of assessors, they shall thereupon proceed to view the premises, and shall assess the expense of said improvement upon the several lots, pieces or parcels of land benefitted, in proportion to the benefit which, in their opinion, the same shall derive from or in justice ought to be assessed for the said improvement.

Notice of assessment:

§ 24. The board of assessors shall make a report, in writing, of the assessment so made, and before proceeding to sign the same shall give notice in the corporation newspapers of the district, which notice shall be published for ten days successively, of the time and place when and where the parties interested can be heard; and after hearing the parties, the board of assessors shall proceed and complete the report and sign the same, and return the said report, with all objections in writing which shall be presented to and left with them by any of the parties interested, to the common council, who shall refer the same, in case of any objections in writing, to the proper committee of the board. The said committee shall publish a notice in the corporation newspapers of the district, for ten days successively, to the parties interested, of the time and place when and where they will meet to hear them on the objections and report.

Report of committee to common council.

§ 25. The said committee shall thereupon examine the matter and report of the common council, and shall return to them the said report of the board of assessors, with the objections of the parties, together with the views and opinions of the committee respecting the said report.

Correction of assessment.

§ 26. The common council shall thereupon examine the matter, and may correct the said report and assessment, send it back to the board of assessors, or confirm the same, as they may deem just and

proper, and their confirmation in the matter shall be final and conclusive.

§ 27. And the like proceedings shall be had when the report of the board of assessors is sent back as in the first instance.

§ 28. At the annual election for charter officers, first to be held under this act, there shall be elected from each ward one assessor. Election of assessors. The assessors so elected shall constitute a board of assessors, who shall be divided into two classes; the assessors of the first, third, fifth, seventh, ninth, eleventh, thirteenth, fifteenth and seventeenth wards shall form the first class, and the assessors of the remaining wards shall form the second class; the first class shall hold office one year, and the second class shall hold office two years; but after the first year the term of office of both classes shall be two years.

§ 29. The said assessors shall have power to examine, upon oath, every person whom they shall believe ought to be assessed for his personal property, and shall also have power to examine, under oath, such other persons, as witnesses in relation thereto, as they may deem proper, and for that purpose may administer oaths and issue process to compel the attendance of witnesses before them. Any person who shall refuse to make, under oath, a full disclosure of all the facts necessary to enable the assessors to make a fair and just assessment of his personal property, when duly called upon by the assessors to do so, or to answer such questions as may be put to him in relation thereto, shall be assessed a gross sum, which in their judgment will be the full amount of his personal estate, and shall forfeit for one year all the rights and privileges given to persons aggrieved by the assessment of assessors by the law "for the assessment and collection of taxes." Powers of assessors.

§ 30. The ward maps made or to be made shall be filed in an office to be provided by the city for the use of the board of assessors, and assessments on land in the respective wards shall refer to such maps, except in cases of opening streets, avenues, squares and parks; and where a portion of any lot of land laid down on said maps shall be taken for any improvement, the residue shall be deemed to be held for any assessment thereon, and land occupied by a person other than the owner may be assessed in the name of the occupant. Ward maps.

§ 31. The board of assessors shall elect one of their number president, and appoint a competent person as their secretary, who shall make out the assessment lists under the direction of said board, and perform such other duties as may be required of him by said board or the common council. The common council shall provide a suitable room for said assessors, in which they shall transact their business; and the assessment rolls of the several wards when completed shall be left for inspection and examination by any person interested, and of which the assessors shall give due notice, as required by law, and the said assessment rolls shall be open for inspection during thirty days from the time of the first publication of such notice. President of board of assessors.

§ 32. The common council shall fix an annual compensation for such assessors and secretary, to be levied in the annual tax, and may, Pay of assessors.

by ordinance, regulate the duties under the foregoing provision, and remove such assessors for incompetency or neglect of duty.

Assessment  
laws.

§ 33. All provisions of law now applicable to the assessors of Brooklyn, or towns of this state, in relation to the assessment and collection of taxes in said city, not inconsistent with this act, are hereby declared to apply to the assessors elected under this act.

Streets in  
first five  
wards.

§ 34. The common council shall have power to lay out streets within the first five wards of the city, where such improvements may be deemed proper, although the same have not been laid out on any public map of the town, village or city of Brooklyn, and to extend or lengthen streets heretofore laid out by law in any part of said city, upon the written application of a majority of the persons owning the property on the portion of the street to be added by such extension. All provisions of law applicable to such improvements, and to the opening and subsequent improvement of streets, shall be applied to the streets to be laid out, extended or lengthened; and all such provisions are hereby extended over and applied to the land covered with water between the line of bulkhead as now actually existing and the permanent water line as heretofore established by law, and lying north and east of the westerly line of Fulton street continued out to such water line; and the city of Brooklyn shall have jurisdiction over such land covered with water for the purpose of making such improvements.

## TITLE V.

### OF THE COLLECTION OF TAXES AND ASSESSMENTS.

Election of  
collectors.

SECTION 1. There shall be elected at the election in November, 1854, and every third year thereafter, two collectors, who shall hold their office for the term of three years and until others shall be elected in their place and be duly qualified, one of whom shall reside and keep an office in the eastern district and be called the collector of taxes for the eastern district of the city of Brooklyn, and the other shall reside and keep an office in the western district and be called the collector of taxes for the western district of the city of Brooklyn. The common council shall provide suitable offices, which shall be kept open for the transaction of business, during such hours as the common council shall designate, on each day in the year, except Sundays and such holidays as shall be observed by the general custom of said city or by recommendation of public authority.

Bonds.

§ 2. The said collectors shall, respectively, execute a bond to the city of Brooklyn, with at least two sureties, who shall be freeholders in the county of Kings, in such penalty, not less than one hundred thousand dollars for the collector of the western district, and sixty thousand dollars for the collector of the eastern district, as the common council shall direct, conditioned for the faithful performance of the duties of their office, and for accounting and paying over, as directed by law, all moneys which shall be received by them as such collectors. Such sureties shall severally justify, under oath, to be endorsed on said bond, in sums which, together, shall constitute at

least double the amount of the penalty of the bond, to be approved by the common council. The bond shall be filed with the clerk of the county of Kings; and if not filed within twenty days after the collectors shall be notified of their election, the office shall be deemed vacant; and no collector shall enter upon the duties of his office until said bond shall be duly executed, approved and filed. The collector's sureties shall also be renewed during the term of his office, whenever and as often as the common council shall direct, and if not so renewed within twenty days after notice to the collector, his office shall be deemed vacant.

§ 3. The common council may, by resolution, suspend a collector Suspension of collectors. for official neglect or misconduct, in which case they shall immediately cause written notice, with a copy of the charges thereof, to be left at his office; they shall then proceed to investigate the charges against him, and if such charges are sustained may remove him from office in the manner hereinbefore provided for the removal of other officers of the city government.

§ 4. Each collector shall, as soon as may be after he has taken upon himself the execution of his office, appoint some proper person Assistant collectors. assistant collector of taxes and assessments, to hold his appointment during the pleasure of such collector, and he shall, as often as a vacancy shall occur in the office of assistant collector, appoint another in his place; and whenever a vacancy shall occur in the office of collector, the said assistant collector shall execute the powers and discharge the duties of collector until another collector shall be appointed.

§ 5. Each collector may also, with the consent of the common Deputies. council, appoint as many deputies as he may think proper, who shall hold their appointment during the pleasure of the common council. Every appointment of an assistant collector, or of a deputy collector, shall be in writing, under the hand and seal of the collector, and shall be filed in the office of the clerk of the county; and every such assistant or deputy shall, before he enters on the execution of the duties of his office, take the oath prescribed in the constitution, and the collector may require of him a bond and sureties for the performance of his duties. Any default or misfeasance in office of any such assistant or deputy shall be deemed to be a breach of the condition of the bond given by the collector who appointed him.

§ 6. Each assistant collector shall have the same power as the collector, except that of the appointment of deputies; and the collector, Their powers. assistant collector and deputy collectors shall have the same powers as the collectors in the several towns in this state; but such assistants and deputies shall, in the exercise of their powers, be subject to the direction and control of the collector.

§ 7. If any person who shall have become surety for a collector shall, Renewal of bond. by notice in writing, to be served on the mayor or clerk of the common council, require the said collector to renew his official bond, such person shall be discharged from all future liability as such surety from and after the settlement of the accounts of the collector for moneys received prior to such discharge, who shall be required to make such

settlement within thirty days after notice from the common council to that effect.

Expense of  
collection.

§ 8. There shall be added to and included in every tax and assessment levied and assessed in the city of Brooklyn the sum of five per cent. upon the amount of such tax and assessment for the expense of collection, which, together with the amount to be added for neglect to pay within the time specified in the warrants of the collectors, as hereinafter provided, shall be for the use of said city. The common council shall fix the salary or other compensation to be paid to the collectors, their assistants and deputies, and pay the same to them out of the moneys raised by tax for city purposes; and neither the said collectors nor their assistants or deputies shall receive any other or further compensation for services or for other expenses of their offices; but the common council shall provide for said collectors all necessary desks, furniture, fuel, lights, books and blank forms.

Embezzle-  
ment or  
loaning of  
public  
moneys.

§ 9. If any collector, assistant collector or deputy collector shall convert to his own use, in any way whatever, or shall use by way of investment in any kind of property or merchandize, or shall loan, in any way, any portion of the moneys received or collected by him as such collector, assistant or deputy collector, every such act shall be deemed and adjudged to be an embezzlement of so much of said moneys as shall be thus taken, invested, used or loaned, which is hereby declared to be a felony, punishable by imprisonment in a state prison for a term not exceeding five years.

Assessment  
rolls.

§ 10. The board of supervisors of the county of Kings shall cause the corrected assessment rolls of the several wards, or fair copies thereof, with warrants for collection, to be delivered to the respective collectors on or before the first day of October, in each year; and the common council shall cause every assessment roll made for any improvement in said city, or fair copies thereof, with a warrant for collection, to be delivered to said collectors within ten days after the same shall be finally confirmed. But no warrant for the collection of any assessment shall be issued by the common council until all the proceedings had in laying said assessment shall have been examined and certified as correct by the street commissioner and the attorney and counsel of the city, which certificate shall be endorsed upon or annexed to the assessment roll, and shall be conclusive evidence as to the regularity of the proceedings.

Warrants.

§ 11. The warrants of the board of supervisors shall be under their hands and seals, or the hands and seals of a majority of them, and shall require the collectors, out of the moneys to be collected, to pay over to the city treasurer such sum as shall be raised for the city purposes, and to the county treasurer the residue of said moneys within one hundred and eighty days from the date of such warrants. The warrants of the common council shall be signed by the mayor, and shall be under the corporate seal of the city, attested by the clerk, and shall require the collectors to pay the moneys to be collected to the city treasury within one hundred and twenty days from the date thereof; and to collect from the several persons named in the assessment roll annexed thereto the several sums mentioned in the last

column of such roll opposite to their respective names, and shall not be renewable except in cases where the collection has been stayed by any legal proceedings; and in such cases the common council shall have power, after the cessation of such stay, to cause new warrants to be issued to the collectors for the full term of one hundred and twenty days, as if no previous warrant had been issued. This provision shall apply to all cases where the collection has been or hereafter may be stayed by any legal process or proceedings.

§ 12. As soon as practicable after the annual tax rolls shall have been delivered to the collectors, they shall, in books to be provided for that purpose, prepare an abstract of said rolls, adding thereto all taxes and assessments as shall from time to time thereafter become chargeable upon such property, to the end that said abstract shall at all times exhibit in a condensed form all existing charges against the property as accurately as practicable. Abstract of rolls.

§ 13. The collectors shall receive the taxes and assessments mentioned in said rolls, and shall on the same day that they receive the same pay over to the city treasurer all moneys which shall have been received by them for taxes and assessments for city purposes or for local improvements, and render to the comptroller of the city a just and true account of the same. They shall also, every week, and as much oftener as required by the county treasurer, at the collector's office, render a like account of moneys received for taxes payable to the county treasurer, and at the same time pay over such moneys to the said county treasurer. Paying over and accounting of collectors.

§ 14. All taxes and assessments, which shall be paid to the collectors within thirty days after such tax or assessment roll shall have been delivered to them, shall be received by them without any additional charge; on all taxes or assessments which shall be paid them after the expiration of thirty days, and within sixty days after such delivery, they shall add one per cent., and one per cent. shall be added for every thirty days thereafter until such tax or assessment shall be paid; when such percentage shall amount to ten per cent., from which time interest at the rate of seven per cent. per annum shall be added. Taxes paid within thirty days. Sixty days.

§ 15. If any of the taxes mentioned in the assessment rolls annexed to the warrants from the board of supervisors shall remain unpaid at the expiration of one hundred and eighty days from the time the said assessment rolls shall be delivered to them, and the collectors shall not be able to collect the same, they shall deliver to the county treasurer an account of the taxes so remaining due in their respective districts, with an affidavit as required by law of collectors of towns; they shall respectively be credited by the county treasurer with the amount thereof, and if any of the assessments mentioned in the assessment rolls annexed to their respective warrants from the common council shall remain unpaid at the expiration of the said one hundred and twenty days, and the collectors shall not be able to collect the same, they shall deliver to the comptroller of said city an account of the assessments so remaining due, with an affidavit as hereinafter mentioned. Taxes unpaid after 180 days.

Unpaid taxes credited to collectors.

§ 16. The county treasurer and comptroller respectively shall, upon receiving such account of unpaid taxes or assessments, compare the same with the original tax or assessment roll, and if he find it to be a true transcript thereof, he shall add to it a certificate showing that he had compared the account with the tax or assessment roll, and found the same correct; and after crediting the collector with the amount, shall, within fifteen days after receiving such account, transmit the account, certified as aforesaid, with the collector's affidavit, back to the collector of taxes and assessments rendering such account.

Collectors' bonds, when to be sued.

§ 17. If the collectors shall refuse or neglect to pay to the city treasurer or the county treasurer the sums required by their warrants respectively to be paid them or either of them, or to account for the same if unpaid, as hereinbefore provided, within twenty days after the time when such payment ought to have been made, the common council shall, upon receiving notice thereof from the county treasurer or comptroller, cause the bond of such collector to be put in suit, and shall be entitled to recover the sum due from such collector, with costs of suit; and the moneys recovered shall be applied and paid by the common council in the same manner in which it was the duty of the collector to have applied and paid the same.

Treasurer and comptroller may receive taxes.

§ 18. The county treasurer and comptroller, respectively, may receive any tax or assessment while such accounts are in their hands, charging the additional per centage thereon, as hereinbefore provided. They shall give a receipt for such payments, and make return thereof to the respective collectors of taxes and assessments, who shall note such payment on the original tax or assessment roll or copy thereof in their offices.

Rejection of taxes for imperfect descriptions.

§ 19. Before any account of unpaid taxes shall be transmitted by the county treasurer to the collectors of taxes and assessments, he shall examine them, and reject all taxes which shall be found to be charged for personality, or on lands imperfectly described, and shall furnish and transmit a certified statement of the same to the comptroller and the respective collectors of taxes and assessments, and the supervisors of the county, and shall from time to time furnish to the common council or its officers a full statement of the taxes remaining unpaid, or of the sale of any lots or pieces of land for taxes, as may be called for by the common council.

Rejected taxes to be relieved.

§ 20. The said supervisors shall cause the amount of rejected taxes to be levied, in the next assessment rolls, on the taxable property of the respective wards in which they were before levied, and shall direct the same to be collected with the other taxes next collected in such wards; and the board of assessors shall cause said descriptions to be corrected in the next assessment rolls.

Rejected assessments.

§ 21. Whenever the street commissioner and the attorneys and counsel of the city shall reject any assessments for local improvements (which they are hereby authorized and empowered to do,) they shall forthwith report the same and the reasons therefor to the common council; and the common council shall, in case they shall have been rejected for irregularity in the proceedings, or for the imperfect descriptions of the lands, cause the amount thereof to be reassessed;

and the common council are hereby authorized and empowered to have such reassessments made in the same manner as the original assessment should have been made; and such reassessment shall have the same effect as if the assessment had originally been properly made.

§ 22. The common council, in case any such unpaid assessments shall be rejected for want of jurisdiction in making the improvement, shall cause the expense of the proceedings and all damages consequent thereon to be added to the amount directed to be laid in the next annual taxes for city purposes, and when collected to be paid to the parties who shall be entitled thereto. Whenever any moneys shall have been paid for an assessment, and a reassessment shall be made in pursuance of this section, the amount shall be credited on such reassessment to the property on which the assessment was made; and in case of any alteration on the reassessment, whereby the amount so paid shall exceed the amount reassessed on the same property, such surplus shall be repaid to the person who may have paid the same; and in case it shall be insufficient to pay the amount reassessed, the deficiency shall be collected in the same manner as other assessments.

§ 23. Upon affidavit being made before the comptroller, or before any other person authorized to administer oaths in the county of Kings, by the collector to whom any warrant for the collection of any assessments shall be delivered as aforesaid, his assistant or one of his deputies, that the sums mentioned in any such account of assessments, rendered to the comptroller, by him, remain unpaid, and that he has not, upon diligent inquiry, been able to discover any goods or chattels belonging to or in the possession of the persons residing in the city of Brooklyn charged with or liable to pay such sum whereon he could levy the same, and that within forty days after the warrant was delivered to him he caused a written or printed notice to be served personally on or left at the place of residence of the person or persons charged with or liable to pay such assessment, if a resident of the city, or if not a resident of the city, that he has deposited a notice in one of the post offices in said city, addressed to the person or persons assessed, at his, her, or their last known place of residence, and that he has also caused a notice to be published in the corporation newspapers of the district, designated as provided by this act, once a week for six weeks successively prior to the expiration of this warrant, which notice shall contain the name or title of the improvement, the names of the persons who have not paid, the amount due from each, the time when the warrant will expire, and that the property assessed will be returned for sale, if such assessment be not paid, such collector shall be credited by the comptroller with the amount of said account.

§ 24. Whenever any tax or assessment shall remain unpaid, and the rolls containing the same shall have been redelivered to the collector by the county treasurer or comptroller, as aforesaid, such collector of taxes and assessments shall cause a list thereof, signed by him, to be published in the corporation newspapers of the district,

designated as provided by this act, together with a notice requiring the same to be paid, with interest as aforesaid, and expenses, on or before a certain day, to be therein designated, which shall not be less than twelve weeks from the first publication thereof. Such list and notice shall be published once a week for twelve weeks successively in the corporation newspapers, describing, with all convenient certainty, the land taxed or assessed, specifying the street, avenue or road on which it fronts, on which side thereof, and near or between what streets it may lie, together with the name of the person to whom the same was taxed or assessed, and the name of the present owner, when known, to the collector.

Affidavit of  
publication.

§ 25. Every printer by whom any such list and notice shall be published, shall, within ten days after the last publication thereof, deliver to the collector of taxes and assessments, signing the same, an affidavit of due publication, made by some person to whom the fact of publication shall be made known.

Sale of lands.

§ 26. If any such tax or assessment remain unpaid on the day specified in said notice, the collector shall proceed to sell by public auction, at the city hall of said city, the property on which said tax or assessment shall have been imposed, for the lowest term of years for which any person will take the same and pay the amount of such tax or assessment, with the interest and expenses, and he shall continue the sale from time to time until all such lands shall be sold. He shall thereupon deliver to the purchaser a certificate of such sale, and note the same on the original tax or assessment rolls, and on the abstracts hereinbefore directed to be kept in his office; such certificate of sale shall be recorded in the collector's office, in proper books kept for that purpose, and shall constitute a lien upon the lands and premises therein described, after the same shall have been so recorded; and no assignment of any certificate given on the sale of lands for any taxes or assessment shall have any effect until notice of the same, with the name and residence of the assignee, shall be filed in the office of the collector of taxes and assessments of the district in which the said lands are situated.

Mortgagees,  
notice to.

§ 27. No mortgagee, whose mortgage shall have been duly recorded before sale for any tax or assessment, shall be divested of his rights in such property, unless six months' notice in writing of such sale shall have been given to him by the purchaser or of those claiming under him, personally, if a resident of the county of Kings or a county adjoining thereto, and if not such a resident, then upon the owner of the premises, if he be a resident of Kings county or a county adjoining thereto, and by depositing such notice in one of the post offices of said city, directed to the mortgagee at his place of residence, as stated in the mortgage or assignment thereof; but nothing herein contained shall be so construed as to impair the lien created by such sale.

Affidavit of  
service.

§ 28. Within a month after the service of such notice, it shall be the duty of the person serving or causing the same to be served, to file, in the office of the collector of taxes and assessments of the district, a copy of the notice served, together with the affidavit of some per-

son, who shall be certified by the officer before whom said affidavit shall be taken to be a creditable person, proving the due service of said notice.

§ 29. The owner, mortgagee, occupant or any other person interested in such land may, at any time within two years after the sale for either tax or assessment, redeem the said land by paying to the collector of taxes and assessments in the district in which said lands are situated, for the use of said purchaser, the said purchase money, together with any other tax or assessment which the said purchaser may have paid, chargeable on said land, and which he is hereby authorized to do, provided a notice thereof has been filed in the office of such collector, with fifteen per cent. per annum in addition thereto, and the certificate of such collector, stating the payment, and showing what land such payment is intended to redeem, shall be evidence of such redemption. The mortgagee shall have power to redeem at any time until after the expiration of the six months specified in the twenty-seventh section of this title.

§ 30. Upon the receipt of such moneys by such collector, he shall cause the same to be refunded to the purchaser, his legal representatives or assigns, and all proceeding in relation to said sale shall cease; but if said moneys shall not be paid according to the exigency of said notice, such collector shall proceed to execute a conveyance of the property so sold, as hereinafter provided.

§ 31. Whenever such collector shall receive satisfactory information that the land so sold belongs to an idiot or insane person, for whose estate no committee shall have been appointed, or to an infant having no guardian, he shall not execute a conveyance of their lands until at least one month after he shall have legal evidence that such disability has been removed, or a committee or guardian of their estate has been appointed. And until the expiration of said month such committee or guardian may redeem such land, in the manner hereinbefore provided.

§ 32. The said collectors shall note all payments made to them after any account of unpaid taxes or assessments shall be sent back to them by the county treasurer or comptroller, as aforesaid, and if a sale be had they shall also note that fact on the original tax or assessment roll, or copy thereof, in his office, and the memorandum of payment on any tax or assessment roll, or copy thereof, in the office of such collector, shall be sufficient evidence of such payment. They shall also forthwith, upon receiving the same, render to the treasurer of the city an account of the proceeds of any sale for unpaid assessments, and of any money received or collected by them that may be paid to such treasurer, and at the same time pay over the said moneys received by them; and said collectors shall also render to the treasurer of the county an account of the proceeds of any sale for unpaid taxes, and of any moneys received or collected by them that may be paid to such treasurer, and at the same time pay over said moneys received by them.

§ 33. The collector of the district where the land sold for any tax or assessment shall not have been redeemed, as by this act provided,

shall execute to the purchaser or his assigns, pursuant to the terms of sale, a proper conveyance of the lands so sold by him, which shall contain a brief statement of the proceedings had for the sale of said lands, and shall be evidence that such sale and other proceedings were regularly made and had according to the provisions of this act. He shall also forthwith note the same on the assessment rolls and abstract kept in his office. The grantee shall be entitled as against all persons whomsoever to the possession of said premises, and to the rents, issues and profits thereof, pursuant to the terms of his conveyance, and shall be entitled to obtain possession of his lands by summary proceedings, in the same manner as is provided by law for the removal of persons who hold over or continue in possession of real estate sold by virtue of an execution against them.

## TITLE VI.

### OF THE DAY AND NIGHT POLICE DEPARTMENT.

- Officers.** SECTION 1. The department of police shall consist of one chief, one captain for each police district, and such number of policemen under each captain as the common council may from time to time designate.
- Chief.** § 2. The chief shall be elected by the city every three years. He shall have an office in the city hall, where he shall be in attendance at such hours as shall be fixed by the common council, and shall receive a salary to be fixed by said common council.
- Powers.** § 3. He shall have power within the county of Kings to issue process, directed to some other proper officer, for the apprehension of persons charged with any offence, and to exercise all the powers and duties conferred upon aldermen and justices of the peace in and by title second, chapter second, part fourth of the revised statutes of the state of New York; and in all such cases he shall proceed in the same manner and be governed by all laws relative to justices of the peace, in like cases. He shall be chief of the police department, and the medium of correspondence with the police authorities of other cities and towns. He shall receive the reports from the several captains of the districts of the city, keep all proper books, registers and records in his office, under the direction of the common council; report to the corporation attorney all violations of city ordinances that come to his knowledge; and shall obey and cause the police department to obey the rules and regulations prescribed by the ordinances of the common council. He shall repair to the scenes of fire and riot, and take command of the police there present; may at any time direct all or any of the police of the city to any place where their services may be deemed necessary, and shall perform all such other duties as may from time to time be prescribed by the ordinances of the common council; but nothing herein contained shall be taken to abridge the power of the mayor as the chief executive officer of the city.
- Clerks.** § 4. The common council may, if they deem it necessary, provide for the allowance of a clerk to the chief, and shall fix his compen-

sation. Such clerk shall be appointed and removed at pleasure by the chief.

§ 5. The captains of the police districts shall be elected every two years, and shall receive a stated salary, to be fixed by the common council; each of the captains shall keep an office at the office of the police district within which his ward shall be situated, and shall keep all such books, registers and records as may be necessary for the proper performance of his duties or as the common council may prescribe. Captains.

§ 6. Every captain of police shall perform, within the district for which he shall be elected (aided and assisted by the policemen of the ward or wards,) such duties in relation to the inspection of wells and pumps, of lamps, of public cisterns, of pavements and side-walks (so far as to report the actual condition of the pavements and side-walks to the proper authority,) and hacks, cabs, carts and sleds as the common council shall direct, together with such other duties as marshals, health and fire wardens, keepers of public lands and places, as said common council shall prescribe. Duties of captains.

§ 7. Each of said captains may entertain complaints in all cases where crimes or offences have been committed, may issue a precept to arrest any person charged with having committed a crime or offence (such process to be executed by some other proper officer,) and may detain the person so arrested for examination; such examination to be made by the chief of police; or by some person authorized by law to take the same. Complaints.

§ 8. He shall duly report to the chief of police all crimes which may have been committed, and all arrests for crimes or breaches of the peace that may have been made within his district; he shall report all violations of the corporation ordinances within his district to the corporation attorney, with the names of witnesses, and shall also perform such other duties as may be prescribed from time to time by the ordinances of the common council. Report of crimes.

§ 9. The aldermen of each ward shall nominate, and by and with the consent of the mayor appoint, so many policemen as may be designated or apportioned to their ward. The aldermen shall also appoint, and in conjunction with the mayor may remove at pleasure, so many lamp-lighters as may in like manner be designated for their respective wards. Policemen.

§ 10. For all purposes of the police department, the city shall be divided in so many districts as the common council may from time to time designate. There shall be erected or procured in each police district a suitable building, to be called the district police office, in which shall be contained suitable offices for the accommodation of the captains and police department. Such police office shall also be the station house for the night police of the same district. Police districts.

§ 11. The common council shall, by ordinance, fix and apportion from time to time a certain number of policemen for each ward, who shall possess all the powers, and under the direction of the captains of the district shall perform all the duties specified in the sixth section Ward policemen:

of this title, together with all other duties and services which may be prescribed by the ordinances of the common council.

Duties of  
policemen.

§ 12. It shall be the duty of the policemen to obey such orders as they may from time to time receive from the chief of police and the captains of their districts regarding their duty ; to report to the captains of the district all violation of the corporation ordinances, with the names and residences of witnesses ; to preserve the public peace ; to be vigilant for the prevention and discovery of crime, and the detection of criminals ; to report to the captains of their respective districts all crimes or offences committed in the city ; to arrest all persons in the actual commission of crimes, misdemeanors, breaches of the peace or violations of corporation ordinances ; to execute all criminal process issued by the chief of police or captains, or by an inferior court of criminal jurisdiction, which is now or may hereafter be established by the legislature for the city of Brooklyn, or that may be issued by any other officer authorized to issue criminal process ; to report to the captains of their respective districts all suspicious persons, houses of ill fame, receiving shops, pawn brokers' shops, gaming houses, and all places where idlers, tipplers, gamblers and other disorderly and suspicious persons congregate, and perform such other duties from time to time as the common council may direct.

Policemen to  
be present at  
fires.

§ 13. At any alarm of fire, it shall also be the duty of the policemen forthwith to proceed to the scene of conflagration, and to be diligent in preserving order and protecting property ; and in case of any riot or public disturbance, requiring the services of the police, they shall forthwith proceed to the scene of riot, and, under the direction of the mayor, chief of police and captains, or either of them, aid in suppressing the same.

Chief may  
suspend  
policemen.

§ 14. The chief of police may suspend any policeman in the city ; in all such cases he shall, within twenty-four hours thereafter, notify the mayor and the aldermen of the ward to which said policeman may belong thereof, in writing, specifying the grounds for such suspension, and the names of the witnesses to establish the charge. In every case the mayor shall cause written notice to be given to the accused, to afford him an opportunity to be heard in his defence. The mayor and at least one of said aldermen shall examine witnesses under oath upon the charges and for the defence, and may for cause continue the suspension, remove the party from office, or restore him to duty. The mayor shall have power to issue subpoenas to require the attendance of witnesses on the trial of such cases, and disobedience of such subpoenas shall render the parties liable to the penalties provided by law in courts of record. The testimony shall be reduced to writing, and, together with the decision of the mayor and the said aldermen thereon, shall be filed in the office of the clerk of the city.

Compensa-  
tion.

§ 15. The police shall receive a per diem compensation for each day they shall be employed on duty, which compensation shall from time to time be regulated and fixed by the common council.

Exemption.

§ 16. No person connected with the police department shall be liable to military duty.

Policemen at

§ 17. The mayor or chief of police shall, from time to time, detail

such policemen as he may deem proper, to act as messengers of the mayor and of the common council, to attend the meetings of that body, and to attend and preserve order in all courts and public assemblies in the city. Each captain shall detail a sufficient number of policemen within his district to attend the polls on the days of election. meetings of board and election.

§ 18. No fees or compensation shall be charged or received by any chief of police, captain, policeman, clerk or other officer connected with the police department for any services performed by them as such officers, other than their stated compensation, except in special cases, with the approbation of the mayor. Any officer violating this provision shall be deemed guilty of a misdemeanor, and shall be subject to the fines and penalties provided for such offence. Fees prohibited.

§ 19. All fees and costs heretofore paid by the supervisors of the county of Kings, for services rendered for said county by any justice of the peace or police justice, or by the constables or marshals of the city, shall, when similar services are rendered by any officer of the police department, be collected and paid into the city treasury in such manner as the common council shall by ordinance prescribe. Fees and costs of justices to be paid into the treasury.

§ 20. Any person arrested in pursuance of this act for the violation of any ordinance, by-law or regulation of the common council, or of the board of health, may be taken before the police justice or either of the justices elected by virtue of "an act to establish courts of civil and criminal jurisdiction in the city of Brooklyn," passed March twenty-fourth, one thousand eight hundred and forty-nine, who shall thereupon have authority to impose upon such person a fine, not exceeding the penalty prescribed by the ordinance which such person shall be proved to have violated, and to commit such person to the county jail of Kings county for a period not exceeding thirty days, or until such fine shall be paid. Fines and penalties, how imposed.

§ 21. The common council shall have power to designate one or more policemen, in each of the police districts established by law, as assistant captains, who shall have all the powers of the captain of such districts whenever such captain is disabled, absent or not on duty, and whose term of office shall continue and expire at the same time with the term for which the respective police captains were elected. Assistant captains.

## TITLE VII.

### OF THE FIRE DEPARTMENT.

SECTION 1. The fire department of the city shall be divided into two separate and distinct organizations, viz : one for the eastern district and one for the western district. Each organization shall consist of one chief engineer, and as many assistant engineers, firemen, hosemen, axemen, and hook and ladder men, as shall from time to time be elected by the firemen of each district, and approved by the common council ; but the present members of the fire department shall continue to be such, without any new appointment under this act. The powers of the chief engineer and assistant engineers shall be Fire districts

confined to their respective districts. The fire department of the present city of Brooklyn, as at present constituted, shall with its additions form the organization for the western district, and the fire department of the city of Williamsburgh, as at present constituted, shall with its additions form the organization for the eastern district. Except in cases of "general alarm," the companies may not attend fires out of the district in which they are located; in all cases, however, all companies attending a fire shall be under the control of the engineers in whose district the fire may be. The firemen of both districts shall be under the control of the common council; and all the fire engines and other fire apparatus, now belonging to the different municipalities hereby consolidated, shall be owned by the city.

**Wardens.**

§ 2. The mayor and the members of the common council shall be fire wardens, and they, together with such other fire wardens as the common council may appoint, in the manner now or hereafter prescribed by law, shall possess such powers and perform such duties as the said common council may from time to time prescribe.

**Engines and apparatus.**

§ 3. The common council shall procure fire engines and other apparatus used for the extinguishment of fire, and provide suitable engine houses and other places for keeping the same, and have the charge and control thereof. They shall have the power to organize fire, hook and ladder, hose, bucket and axe companies, and to reorganize the present fire department if they think proper.

**Rules and fines.**

§ 4. It shall be the duty of the common council to make rules and regulations for the government of the officers and men attached to the said department, and to impose such penalties and fines for a violation thereof, not exceeding one hundred dollars, as the said common council may deem proper; and for incapacity, neglect of duty or gross misconduct, the said common council may disband any of said companies, suspend or expel individuals, members thereof, in the manner and with the restrictions hereinbefore provided for the removal of officers of the city government.

**Exemption**

§ 5. Every member of said department shall be entitled to the same privileges and exemptions from military or jury service as they are now entitled to by law. Their names shall be registered by the clerk of the city in a book to be provided for that purpose, and a certificate from said clerk, under the corporate seal of the city, of the appointment of any person as a fireman, and of the time thereof, countersigned by the foreman of the company to which such a person may belong, shall be competent evidence to show that such a person is a fireman, and at the time of such countersigning was actually serving as such.

**Fines to be kept as a fund.**

§ 6. All fines and forfeitures accruing within the said districts, under the laws of this state or the ordinances of the city relative to the extinguishment of or proceedings at fires, shall be applied to the fire department fund of said district, for the benefit of indigent and disabled firemen, and the families of deceased firemen.

**Injured firemen.**

§ 7. Any member of the fire department who shall, while in the performance of his duty, be maimed or injured, so as to be rendered thereafter unable to perform the duties of a fireman, shall receive a

certificate of discharge, which shall entitle him to all the privileges of a fireman whose time has been regularly served, and shall also be entitled to the benefits of the law regulating discharged firemen in the city of New York. The common council shall provide by ordinance for the granting of certificates of discharge to such firemen as shall be entitled to the benefits of said law.

§ 8. The common council shall pass such ordinances as it may deem proper for regulating the storage of gunpowder and other articles of a combustible nature, and fix the penalty for any violation of the same. All penalties recovered under such ordinances shall be for the benefit of the fire department fund of the district in which the violation occurs, and shall be paid over to the officers authorized to receive the same. Gunpowder.

§ 9. When a building shall be on fire in said city, the mayor, with the advice of the chief engineer of the district, or in his absence, under the advice of two of the assistant engineers, and with the concurrence of two members of the common council, or in the absence of the mayor, three of the common council, with the like advice, may order such building or any adjoining building to be pulled down or otherwise destroyed, if they shall deem it likely to convey the fire to another building. Destruction  
of buildings  
to arrest  
fires.

§ 10. The common council may from time to time, by ordinance, designate limits in said city of such extent, metes and bounds as they may deem proper, within which all buildings, to be erected after the expiration of three calendar months from the passage of such ordinance, shall be built of brick or stone, or materials other than wood, and in such manner as they may determine and specify in such ordinance. Said ordinance shall be published in the corporation newspapers at least once a week for the space of three calendar months after the same shall have been passed, and before it shall take effect as law. Fire limits.

§ 11. Any such limits heretofore designated by the said common council shall remain and continue with the same effect, and the same provisions shall apply thereto, as if established in exact conformity with the provisions of "An act to amend the act to incorporate the city of Brooklyn," passed April twenty-nine, eighteen hundred and thirty-five, and as if the ordinances heretofore passed in relation thereto had been duly passed, approved and published, and the said limits shall continue, and the provisions of law now applicable, or which may be applied as aforesaid thereto, shall remain in full force, except as the same may be modified by this act or the ordinances passed in pursuance thereof. Former  
limits.

§ 12. Any such limits, heretofore designated or hereafter to be designated, may be enlarged from time to time by the common council, as the public good may be deemed to require, upon the written petition of any owner of property within the territory proposed to be included in said limits, provided that such enlargement is not remonstrated against by a greater number of owners in the said territory than petition therefor, after the notice of such application shall have Enlargement  
of limits.

been published, as hereinafter required ; and all provisions of law inconsistent herewith are repealed.

Notice of  
petition.

§ 13. If any such application shall be presented to the common council, they shall cause notice thereof to be published in all the newspapers employed by them at least once a week for six weeks successively, and that they will proceed to act upon such petition on a day therein to be specified, which shall be after the expiration of the said six weeks, and they shall publish with such notice, as a part thereof, a description of the territory proposed to be so designated, or which it is proposed to include within any such limit.

Present  
building may  
be repaired

§ 14. Any building erected in any such district previous to the designation or enlargement thereof, and covered with boards or shingles, may be repaired or new roofed with boards or shingles ; and all steeples, cupolas, and spires of churches and other public buildings, and all privies not exceeding ten feet square, and lime houses the height of which shall not exceed ten feet exclusive of the roof, may be built of wood and boards, and covered with boards or shingles.

Penalty.

§ 15. If any building shall be erected or roofed contrary to this act, or to the provisions of any such ordinance, the owner or owners thereof shall for every such offence forfeit and pay the sum of two hundred and fifty dollars, to be recovered, with cost of suit, in any court of record within this state, by the city, for the use of the fire department of the district ; and every such building erected or roofed contrary to this act, or to the provisions of such ordinance, shall be deemed a common nuisance, and the owner or occupant thereof may be indicted therefor, and on conviction shall be punished by fine or imprisonment, as the court having cognizance thereof may deem proper, and such court shall also order and cause such nuisance to be abated or removed.

Damages for  
pulling down  
buildings.

§ 16. Any person who shall be or shall have been injured or damaged by reason of the pulling down or destruction of any building in said city, for the purpose of preventing the spreading of fire, pursuant to authority granted by section fifty-seven of an act to incorporate the city of Brooklyn, passed April 8, 1834, and section nine of title seven of the act hereby amended, may institute against the said city an action to recover compensation for such injury or damages ; and in case of a final judgment being recovered in such action against the city, the amount so recovered, with interest and all the costs and expenses of the city in the defence of such suit, shall be added to and collected with the amount to be raised by the general tax in said city. In any such suit, the plaintiff or plaintiffs shall recover for only such damage or injury as he or they shall be proved to have sustained beyond what apparently would have been sustained from the fire, to prevent the spread of which such building was so destroyed or damaged. And no execution shall issue upon any such judgment, but the amount thereof shall be paid by the city of Brooklyn, out of the amount added to and included in the next general tax, as herein provided, when collected.

Suits for  
fines.

§ 17. The fines and penalties prescribed by this title, and by any ordinance passed or which may be passed by the said common coun-

cil for establishing fire districts, or the prevention of fires, or for regulating the storage of gunpowder and other articles of a combustible nature, shall be sued for and recovered by the fire departments of the city.

§ 18. The board of officers of the fire department of the city of Brooklyn may, at its first meeting after this act shall take effect, nominate, for the office of fire wardens, five firemen or exempt firemen who shall have served at least seven years in the fire department of said city, and if such persons be approved by the common council, they shall be appointed and shall be known as the board of fire wardens. The said wardens shall perform such duties and receive such annual compensation as the common council may from time to time prescribe, not exceeding three hundred dollars for each. The chief and assistant engineers of said department for the time being shall be ineligible to the office of fire warden.

Board of fire wardens.

## TITLE VIII.

### OF COMMISSIONERS OF EXCISE.

SECTION 1. There shall be elected in each ward of the city, at the first election of city officers under this act, one commissioner of excise; and there shall be elected every year thereafter, at the annual election of city officers, such commissioner in those wards respectively where the term of office as hereinafter fixed shall expire, and in those only. The several commissioners, so elected, shall together constitute a board of excise.

Commissioner for each ward.

§ 2. The commissioners of excise first elected shall, at the first meeting of the common council thereafter, be divided by the mayor into two classes, as nearly as may be, in the manner hereinbefore provided for dividing the board of aldermen into two classes.

Classified.

§ 3. The first of said classes shall hold office for one year, and the second for two years; but after the first year the term of office of the said commissioners of excise shall be two years.

Term of office.

§ 4. The common council shall, by ordinance, fix the penalty which shall be paid by every person so elected who shall neglect or refuse to qualify and serve as a commissioner of excise, and shall enforce the collection of the same in the manner herein provided for collecting other penalties for the violation of city ordinances, but the penalty so to be fixed by the said common council shall not exceed fifty dollars.

Penalty for refusing to serve.

§ 5. The commissioners of excise shall meet on the second Tuesday of May in each year at the city hall, and shall elect one of their number president, and may adjourn from time to time, as they may think proper, for the transaction of business. The city clerk shall be the clerk of the board of excise, and shall keep the book of minutes required by law, which book shall at all times be open for inspection in the office of the said city clerk.

Meetings.

§ 6. The majority of said commissioners shall be competent to execute the powers vested in said board. They shall grant licenses to tavern keepers and grocers, who are residents of the city of Brooklyn, to sell wines and liquors in the cases and in the manner, but with the qualifications and restrictions, authorized by law, and may revoke the

Quorum. Licenses.

same at pleasure. They shall also fix the sum to be paid for licenses, which shall not be less than ten nor more than fifty dollars. The ayes and noes on granting such licenses shall be recorded on the minutes.

Licenses,  
how signed

§ 7. Such licenses shall be signed by the president and clerk. They shall not be delivered until the sums to be paid therefor and the fees accruing thereon are paid to said clerk, and the bond required by law is duly executed and approved by the board of excise, and when issued shall be in full force, unless revoked, until the second Tuesday of May in the following year. Immediately upon the receipt of such sums and fees by said clerk, he shall pay them over to the county treasurer, and render an account thereof to the comptroller.

Pay.

§ 8. The commissioners of excise shall be entitled to receive two dollars a day for their services in lieu of all fees and perquisites whatever, but the pay of no member shall exceed ten dollars in any one year, which, together with the necessary expenses of blank forms of license and advertising, shall be paid by the county treasurer, on the certificate of the city clerk.

Bond for  
licenses.

§ 9. The bonds to be taken on granting licenses shall be similar to those prescribed in like cases in the ninth title of the twentieth chapter of the first part of the revised statutes, and shall be disposed of and prosecuted in the same manner therein directed.

## TITLE IX.

### OF THE BOARD OF HEALTH.

Board of  
health.

SECTION 1. The aldermen of said city, or such number of their body as the common council shall designate, shall constitute a board of health, and the mayor, or in his absence or inability to act, the president of the board of aldermen shall be president thereof. The city clerk shall be clerk of said board, and shall keep a journal of its proceedings.

Mayor to  
preside.

§ 2. It shall be the duty of the mayor or the president of the board of aldermen, at all meetings of said board, when he shall be informed of any matter requiring the action of the board of health, to lay such matter before them, and they shall thereupon proceed to consider and act upon the same. The said board may also be convened at any time by notice from the clerk, under the direction of the president or any two of the members, for the transaction of business; and the said board of health shall have, possess and exercise the same power and authority in said city as the board of health in the city of New-York.

Office.

§ 3. The board shall designate a place to be called the "office of the board of health," at which the president or one or more of the members shall attend daily (Sunday excepted,) from the first day of June to the first day of October, in each year, and they may so attend on Sunday, if necessary; and the person or persons so attending shall enter in a book, to be kept for that purpose, all matters which shall come before or be transacted by them as president or members of the board of health.

§ 4. No vessel subject to the examination of the health officer of the port of New-York shall approach to the city of Brooklyn beyond the place which shall, at the time of such approach, be assigned for quarantine, without a permit from him, countersigned by the president of the said board of health. Approach of vessels.

§ 5. Every person practising physic in the said city, who shall have a patient sick of any malignant, infectious or contagious disease, shall make and file a written certificate thereof in the office of the board of health, stating the name of such patient, and the house and place where he shall then be, and the board of health may require any such physician to make and file in said office, within such time as they may prescribe, not less than three hours after service of a copy thereof upon him, an affidavit, stating therein whether he has or has not any patient, who, in his opinion, shall then be sick of any such disease, and if he has any such patient, to state in such affidavit his or her name, and the house or place in said city where he or she shall then be, and the nature or name of such disease, to the best of his knowledge and belief. Physicians to report cases of malignant sickness.

§ 6. The common council may, by ordinance, require every person keeping a boarding or lodging house in said city, within six hours after any seafaring man or sojourner shall be sick in such house, to file in the office of the mayor of said city a certificate thereof, signed by him or her, stating the location of such house and the name of such diseased person. Boarding-house keepers to report.

§ 7. No person shall remove any sick person from any vessel or from any other place in said city without written permit for that purpose, granted by the president or one of the members of the board of health of said city. Sick persons not to be removed from vessels.

§ 8. The board of health of said city shall have the charge, control and management of all lands, buildings and premises thereon, which may be purchased, owned, leased or hired by the common council for the purpose of a hospital or hospitals, and for the purpose of preserving the health of the inhabitants of said city. It shall possess and may exercise the following powers: Hospitals.

1. By proclamation to prohibit or regulate the intercourse by land and ferries, or otherwise, between this city and any place or places where they may be informed that any infectious or contagious disease shall prevail. Powers of board.

2. By resolution to direct any vessel lying at a place within three hundred yards of any wharf, landing place or shore of said city, and from which they shall deem it probable that any infectious or contagious disease may be brought into said city or communicated to the inhabitants thereof, to be removed to the distance of at least three hundred yards from any wharf, landing place or shore of said city, within six hours after a copy of such resolution, certified by the city clerk, shall be delivered to the person or persons having the command of such vessel, or to the master, owner or consignee thereof; and every such person or persons, master, owner or consignee to whom such copy of such resolution shall be delivered, shall forthwith comply with the same.

3. By resolution to direct to be removed to the hospital of said city, or other place to be designated by them, all persons sick of a malignant, infectious or contagious disease, and all things within the city, which, in their opinion, shall be infected with any matter likely to communicate disease to the inhabitants, and to cause such resolution to be carried into effect.

4. By resolution to direct any bedding, clothing, putrid or unsound beef, pork, fish, hides or skins of any kind, or any other articles found within said city, and which, in its opinion, shall be dangerous to the health of the inhabitants thereof, to be destroyed by casting the same into the East river, below low water mark, at a suitable distance from the shore, or in such other manner as it may direct ; and it may employ such person or persons as it may deem proper to remove or destroy such articles ; and every person who shall in any manner resist or hinder any person so employed, shall be deemed guilty of a misdemeanor.

Penalties for  
violating  
rules.

§ 9. Every person who shall violate, or neglect, or refuse to comply with any provision contained in this title, or in the proclamation or resolution made or passed by the board of health in pursuance thereof, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding two hundred and fifty dollars, or imprisonment not exceeding six months, or both ; and all such fines when collected shall be paid to the treasurer of said city for the use of the said board of health.

Health officer's  
duties.

§ 10. The health officer of said city shall visit all sick persons who shall be reported to the board of health in pursuance of this title, and report to the board of health in writing, his opinion of their sickness ; and he shall attend at said office at such times as the board shall direct, for the purpose of conferring with the president or other members of the board in relation to the health of said city. He shall visit and inspect all vessels coming to the wharves, landing places or shores of said city, or within three hundred yards thereof, which are suspected of having on board any infectious or contagious disease, or likely to communicate the disease to the inhabitants of said city, and all stores and places within said city which are suspected to contain putrid or unsound provisions, or other articles likely to communicate disease to the inhabitants, and make and sign a report in writing, stating the vessel, stores, places and articles so inspected by him, and the nature, state and situation thereof, and his opinion, in relation thereto, as to the probability of disease being communicated by or from the same, and file such report in the office of the board of health. He shall also discharge such other duties as shall from time to time be prescribed to him by the board of health.

Power to  
borrow  
money.

§ 11. The common council are hereby authorized to procure on loan on the credit and faith of the city, from time to time, such sum or sums of money as a majority of the aldermen elected may deem necessary to pay losses or expenses, not provided for in this act, which may arise from any accident by flood, fire or otherwise, or to pay any expenses necessarily incurred in the protection and preservation of the health of said city and its inhabitants, in case of any pre-

vailing epidemic disease or sickness, provided that the sums of money so to be procured shall in the first case be declared to be necessary and proper by a certificate to be signed by the mayor, county judge, and street commissioner, and in the latter case by a certificate to be signed by the mayor, health officer of said city and the presiding officer of the Kings county medical society, which certificates shall be presented to the common council before they shall take any action in the matter, and the money so obtained shall be applied only to the specific use and purpose for which it shall be so borrowed. The amount so raised and borrowed shall be levied, assessed and collected in the next annual tax in the same manner as the other expenses of said city.

## TITLE X.

### OF THE FINANCIAL DEPARTMENT.

SECTION 1. The accounts of the city and management of its finances shall be under the direction of the comptroller of said city, subject to the provisions of this act and to the ordinances of the common council. Finances.

§ 2. The said accounts shall be distributed in three distinct classes : the first of said classes shall embrace all such expenditures as are to be made out of money raised by general tax, and shall be called the general fund ; the second, such as are to be made out of money raised by a special or local tax or assessment, and shall be called the special fund ; and the third class shall consist of accounts of the sinking fund. And no money raised for the use of one of said funds shall be at any time used for the purposes of either of the other of said funds. Classification of accounts.

§ 3. The accounts of the general fund shall always exhibit the receipts and expenditures of each department of the city government, and no receipt of expenditure of money shall at any time be charged or credited to any other than its appropriate account. The accounts of the special fund, in addition to the general account of said fund, shall at all times exhibit the amounts received and paid under each item composing said fund, with the amounts received and paid for interest on each. The sinking fund account shall exhibit the amounts received into said fund, specifying from what sources they have been received, together with the amount and description of securities belonging to said fund. General fund.  
Special fund.  
Sinking fund.

§ 4. The faith of the said city and the property now belonging to the present cities of Brooklyn and Williamsburgh, respectively, are pledged for the final payment of all moneys heretofore borrowed or raised by said cities respectively under or by virtue of any law of this state ; and until said several sums of money shall be fully paid, there shall be levied and collected, by a general tax on that part of the city embraced in the present city of Brooklyn, in the same manner as other taxes for said city at large, the sum of seven thousand eight hundred dollars in each of the next six years, and thereafter annually the sum of six thousand dollars, until the surplus of the debt on its property as hereafter mentioned shall be provided for, and then upon the whole Debts of the respective cities to be paid.

city. There shall be levied and collected in the same manner, on that part of the city embraced in the present city of Williamsburgh, a sufficient sum to pay off an amount of its debt equal to its surplus as hereinafter mentioned, and the residue of the debt shall be levied and collected upon the whole city.

Brooklyn  
debts.

§ 5. The several sums of money in the present city of Brooklyn so to be raised, together with all the interest accruing from its investment, and all moneys now raised for a similar purpose, shall be and remain pledged and applied to redemption of loans procured by said present city of Brooklyn; nor shall any other investment or use be made of such moneys or securities, except as herein provided, and any other appropriation thereof shall be deemed a misdemeanor and punishable accordingly.

Brooklyn  
sinking fund.

§ 6. The fund thus designated, together with all former and subsequent accumulations, shall be called the "sinking fund of the city of Brooklyn," and shall be managed by the mayor, treasurer and comptroller of said city, as ex-officio commissioners of said fund, a majority of whom shall constitute a quorum for the transaction of business.

Investment  
of sinking  
fund.

§ 7. The said commissioners shall from time to time invest the money of said fund in any stocks for the payment of which the faith of this state or the United States is or shall be pledged; or in any of the bonds or securities issued by said city or the county of Kings; and to deposit said moneys with any safe moneyed corporation in this state, and make such contract with such institution for the duration of such deposits and the interest thereon as they shall consider for the best interest of such fund; and may also, at such times and upon such terms as they may deem advisable, pay any part of the moneys borrowed or raised as aforesaid before the time limited for the payment thereof.

Report of  
commis-  
sioners.

§ 8. The said commissioners shall report to the common council semi-annually, at its first meetings in January and July, a particular account of the condition of said fund, specifying the receipts and payments since the last report, the amount and description of stocks held by them, with the interest they bear, the institutions holding deposits, the amount of such deposits, and the rate of interest paid thereon respectively, also the amount of loans purchased, if any, and the rate paid therefor.

Permanent  
loans.

§ 9. The common council shall have power to make permanent loans for the use of said city, and to issue bonds therefor, payable at such times, in such manner and at such rates of interest as they may direct, if the proposition for creating such debt shall have been previously submitted to the electors of said city at a regular charter election, of which three months' previous notice shall have been published in the corporation newspapers, and such proposition shall have then received the affirmative vote of the majority of the voters at such election.

Vote upon.

§ 10. The common council may by ordinance direct the mode and manner of submitting such proposition to the electors of said city.

Bonds when  
to be issued

§ 11. In case the majority of said electors shall be in favor of creating such loan, the common council which shall be in office next after

such election has taken place may, by the vote of the majority of all the members elected, confirm such loan ; but no bonds shall be issued therefor until the common council shall have made specific provision for a sinking fund, to be raised by an annual tax sufficient to pay and discharge such bonds at maturity, and the faith and property of the city shall be and is hereby pledged for the final payment of any and all such loans.

§ 12. The common council, after the taxes have been levied in any year, shall have power to make temporary loans, in anticipation of the collection of such taxes, such loans to be applied to the purposes for which such taxes may have been levied, and for no other purpose, and such taxes shall be inviolably applied to repay such loans. Temporary loans.

§ 13. The common council shall also have power, after any assessment for a local improvement has been confirmed, and a contract for making the same has been entered into, to issue certificates of indebtedness to the contractor, payable out of such assessments when collected, and bearing interest after the expiration of one hundred and twenty days from the delivery of the assessment roll to the collectors; but no certificate shall at any time previous to the completion of the work exceed seventy-five per cent. in value of the work actually done, and they may issue a warrant for the collection of the assessment imposed before the work shall have been completed. Certificates of indebtedness for assessments.

§ 14. Whenever the city shall by law be authorised to borrow money for any specific purpose, the moneys so borrowed shall be applied only to such purpose, except the surplus thereof, if any surplus should remain after accomplishing such purpose ; and it shall not be lawful for the common council of the said city to borrow any money, or to enter into any contract by which they may be compelled to pay money, except for the purposes for which they are or may be authorized to raise money by tax, and then only to an amount not exceeding the sum they are authorized by law to raise by tax during that municipal year for the purposes for which such money may be borrowed or contract entered into ; and it shall be the duty of the said common council to pay all money so borrowed, with interest accrued thereon, and to discharge all such contracts out of the money raised by tax during the same municipal year in which the money is borrowed or contract entered into, except as by this act provided. Moneys borrowed to be applied to specific purposes.

§ 15. It shall be the duty of the comptroller to state and keep an account, under the direction of a committee of the common council, composed of one from each of the present cities of Brooklyn and Williamsburgh and town of Bushwick, showing the property and assets held by each respectively in their corporate right, and the value thereof on the first day of January, 1855 ; and also showing the amount of the debts of each on that day actually existing or contingently arising from any work done for, or liability incurred, or property purchased by them respectively. Such property shall be the common property of the whole city, subject however to the pledges heretofore made by law of the portion of each present city and town. The value of the property and assets of each present city and town shall be deducted from the debts of each, and the surplus of debt of Property and debts of Brooklyn, Williamsburgh and Bushwick.

each, over the amount of its property and assets, shall continue a particular debt upon each respectively ; the residue shall be common debt of the whole city. If the property and assets of either of said present cities and town shall exceed its debts, the balance shall be credited to it in the taxes of the year 1855. The property and assets of any district of either of the said cities or town shall, for the purposes of such account, be considered the property of the city or town in which the district is located. Any ward not heretofore included in the fire department districts of Brooklyn or Williamsburgh, hereby or hereafter to be admitted to the use of the fire department property of the said city, shall contribute its proportion to the value of such property in the district in which it is located, to be determined by the fire department committee of the common council, and to be raised by tax in one or more annual instalments, as the common council shall determine.

Auditor and  
comptroller  
to examine  
accounts of  
collectors  
annually.

§ 16. It shall be the duty of the auditor and comptroller to examine annually the accounts of the collectors of taxes and assessments, and of the treasurer, and to audit the same, and to present to the common council, at its first meeting after the first day of July in each year, the result in writing of such examination. The common council or the finance committee thereof may at any time order further examinations, by the auditor and comptroller, of such accounts. All other officers of the city receiving and disbursing moneys shall present their accounts annually to the auditor and comptroller for examination, who shall audit the same and report the result to the common council. The common council may, by ordinance or resolution further define and prescribe the duties of the auditor and comptroller in the premises.

## TITLE XI.

### MISCELLANEOUS PROVISIONS.

Perjury.

SECTION 1. Any person who may be required to take an oath or affirmation, under and by virtue of any provision of this act, who shall wilfully swear or affirm falsely to any material fact or matter under such oath or affirmation, legally administered, shall, upon conviction, be adjudged guilty of perjury.

Competency.

§ 2. No person shall be incompetent, as a judge, justice, witness or juror by reason of his being an inhabitant or freeholder in the city of Brooklyn, in any action or proceeding in which the city is a party or interested.

Certain offices declared  
offices of  
record.

§ 3. The office of the city clerk, street commissioner, comptroller, and collectors of taxes and assessments shall be and they are hereby declared to be offices of record, for the purpose of filing, recording and safe keeping any and all papers and documents of the city, and appertaining or belonging to the said several offices ; and all provisions of law relating to offices of record, or the preservation or safe keeping of papers or records therein, are hereby declared to apply to said several offices.

§ 4. Every embezzlement of money by any officer elected or appointed under this act, or by a clerk, deputy or assistant of such officer, shall be deemed a felony, punishable by fine or imprisonment, or both. Embezzlement.

§ 5. Every ordinance, resolution or by-law of the common council may be read in evidence in all courts and legal proceedings, from the volume of ordinances published or to be published by order of the said common council, without any other proof of the passage or publication thereof; but such publication shall be only presumptive evidence that the same has been duly published in the corporation newspapers as required by this act. Proof of ordinances.

§ 6. Any civil or criminal process, attachment or execution may be served or levied upon any person or property on board of any vessel which, at the time of such service or levy, shall be attached or fastened to any wharf, pier, bulkhead or landing place in said city, or lying so near thereto that a person can step from the same upon such vessel, or shall be fastened to any other vessel or vessels which shall be so attached or lying to any such wharf, pier, bulkhead or landing place, in the same manner and with like effect as if such vessel was actually within said city. Service of process on boats and vessels.

§ 7. When a penalty is created, or authorized to be created, by this act, and no particular provision herein is made as to the application thereof, when recovered, such penalty shall, when so recovered, be paid into the city treasury for the use of the city. Penalties recovered payable into city treasury

§ 8. The common council shall have power to provide a suitable armory, gun-houses and drill rooms for the use of the military of the said city. Armory, gun-house, &c.

§ 9. The existing ordinances, by-laws and regulations of the present city of Brooklyn, not relating to local improvements, as the same have been passed, shall be and continue in full force and effect, in the same manner and to the same extent and effect as though they had been published pursuant to law, and shall be in full force and effect, as regards the city hereby incorporated, together with such others as may from time to time be passed, until the same shall be repealed by the common council. Existing ordinances of Brooklyn.

§ 10. All taxes and assessments in the said present cities and town, remaining due and unpaid on the first day of January, one thousand eight hundred and fifty-five, shall be collected as now provided by law, except that the supervisors, in cases of taxes remaining unpaid on the first day of July, one thousand eight hundred and fifty-five, and the common council, in cases of assessments remaining unpaid on the last mentioned day, shall have power and are hereby authorized to issue warrants for the collection of the same to the collectors of taxes and assessments to be elected under the provisions of this act, who shall proceed under said warrants to collect the said taxes and assessments, and shall make their returns thereto, and pay over the money collected by them respectively under the same, to the several officers designated in this act for that purpose; and all proceedings after the expiration of any warrant for the collection of any of such taxes and assessments shall be conducted according to the provisions of this act. Such taxes shall be applied to the purposes Taxes due and unpaid, how to be applied.

for which they shall have been levied in the present cities of Brooklyn and Williamsburgh and town of Bushwick respectively.

Expenses of  
local im-  
provements.

§ 11. The expenses of any local improvement commenced by the present cities of Brooklyn and Williamsburgh, respectively, before the first day of January, one thousand eight hundred and fifty-five, for which expense no assessment shall have been laid, shall be assessed as now provided by law in the said cities, respectively, except that the duties in relation thereto, now devolved upon the common council and officers of the said cities respectively to be performed, shall be performed by the common council of the city of Brooklyn hereby incorporated, and by the officers to be elected and appointed and authorised to perform similar duties under this act, except that if commissioners shall have been appointed to lay any assessment they shall complete such assessment.

Rights and  
liabilities of  
the respec-  
tive cities.

§ 12. All the rights, interest, property, claims and demands whatsoever, belonging to or to accrue to the present cities of Brooklyn and Williamsburgh and town of Bushwick, shall belong to and be vested in the city of Brooklyn, hereby incorporated, and all liabilities and responsibilities of either in favor of third parties shall be assumed by and may be enforced against the city of Brooklyn, hereby incorporated, but each of the present cities of Brooklyn and Williamsburgh and town of Bushwick shall be, as between each other, liable for its own indebtedness and entitled to its own property, as hereinbefore provided; all suits in favor of or against the present cities of Brooklyn and Williamsburgh and town of Bushwick, shall be continued against the same respectively until judgment.

Board of  
education.

§ 13. There shall be a board of education, and all the provisions of law relating to the board of education of the present city of Brooklyn shall apply thereto, except that the board hereby authorized shall be constituted of the members of the said present board, and such additional members as may be appointed by the common council for the portion of the city embraced in the present city of Williamsburgh and town of Bushwick, and the said common council is hereby authorized and required to appoint and classify such additional members, having reference therein to the proportional increase of inhabitants by the additional territory; and the school property of the cities of Brooklyn and Williamsburgh and town of Bushwick, and the several districts thereof, shall be valued by the first board of assessors elected after this act shall take effect, and the board of supervisors of the county shall proceed to equalize the said value by assessing the aggregate amount thereof upon the whole city, and crediting each school district (the city of Brooklyn to be considered as one district) on account of its general tax with the value of its separate school property, and any special school taxes already laid and in process of collection. The eighth and twentieth sections of the act entitled to reorganize and regulate the common schools and board of education of the city of Brooklyn, passed April 4, 1850, is hereby repealed.

Saving  
clause.

§ 14. This act is hereby declared to be a public act. All acts and parts of acts of the legislature of this state, not inconsistent with the provisions of this act, and not hereby repealed, shall be and remain in

full force and effect ; but any proceedings now pending, or that shall have been commenced before this act takes effect as a law, shall be continued and completed as if this act had not been passed, except as herein provided.

§ 15. This act shall take effect on the first Monday of January, one thousand eight hundred and fifty-five, except sections three, four, five, six, seven, eight and nine of title three, which shall take effect on the first day of May next after the passage of this act. The terms of office of the city and town officers elected or appointed for the present cities of Brooklyn and Williamsburgh and town of Bushwick shall expire on the first day of January, one thousand eight hundred and fifty-five, except that the incumbents of the offices of street commissioner, counselor and commissioner of repairs and supplies of the present city of Brooklyn, and the incumbent of the office of clerk of the present city of Williamsburgh, shall perform the duties devolved upon the street commissioner, counselor, commissioner of repairs and supplies and clerk by this act, until the expiration of the terms for which they were respectively elected or appointed under the existing law ; and except that the incumbent of the office of collector of taxes and assessments of the present city of Brooklyn shall perform the duties devolved upon the collector of taxes and assessments of the western district by this act, until the expiration of the term for which he was elected under the existing law ; and the incumbent of the office of collector of taxes and assessments of the present city of Williamsburgh shall perform the duties devolved upon the collector of taxes and assessments of the eastern district by this act, until the expiration of the term for which he was elected under the existing law ; and except that the incumbents of the offices of street commissioner and counselor of the present city of Williamsburgh shall continue to perform the duties of street commissioner and counselor, for the purpose of closing up all the unfinished business in their respective departments, until the expiration of the term for which they were elected, and they are vested with such power, subject nevertheless to the directions of the common council of the city hereby incorporated ; and it shall be the duty of the officers retained in office by this act to close up the unfinished business of the said cities and town in their respective departments, under the direction of the said common council, except as herein otherwise provided, and except that the policemen now in office shall retain their offices until others shall be appointed under the provisions of this act. All officers elected or appointed under and by virtue of this act shall hold their offices for the term specified in this act, and until others shall be elected or appointed in their stead and have duly qualified.

§ 16. The books, papers and documents now on file or kept in any office in the present cities of Brooklyn, Williamsburgh and town of Bushwick shall be transferred to such offices of the city hereby incorporated as the common council shall by resolution direct.

§ 17. The provisions of this act shall not be construed to recognize or authorize any encroachment upon the navigable waters of the East river or harbor of New-York.

Times when  
this act  
takes effect.

Books, &c.,  
to be trans-  
ferred to city  
offices.

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